

**JOURNAL**

OF THE

**SENATE**

OF THE

**STATE OF ALABAMA,**

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE  
THIRD MONDAY IN NOVEMBER, 1834.

BEING THE SIXTEENTH ANNUAL SESSION

OF

**THE GENERAL ASSEMBLY OF SAID STATE.**

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**Tuscaloosa:**

**D. FERGUSON, STATE PRINTER.**

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**1834.**

# JOURNAL

## OF THE

# SENATE

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MONDAY, NOVEMBER 17th, 1834.—On the seventeenth day of November, in the year of our Lord one thousand eight hundred and thirty four, being the third Monday in said month, and the day fixed by law for the meeting of the General Assembly of the State of Alabama at Tuscaloosa, the following members of the Senate appeared in the State Capitol and took their seats, to wit: From the Senatorial District composed of the counties of

*St. Clair*—John Ashe.

*Jefferson and Walker*—John Brown.

*Morgan*—Reuben Chapman.

*Conecuh and Butler*—William Hemphill.

*Limestone*—John W. Law.

*Marengo and Sumpter*—Francis S. Lyon.

*Lauderdale*—Hugh McVay.

*Franklin*—Quinn Morton.

*Dallas*—George Phillips.

*Madison*—John Wining.

*Perry*—Richard B. Walthall.

*Monroe and Clark*—Samuel Wilkinson.

*Pike, Macon and Tallapoosa*—James Abercrombie.

On motion of Mr. Morton, Mr. Moore was called to the Chair, and Pleasant H. May appointed Secretary *pro tem*.

The Hon. John Erwin, elected a senator on the first Monday in August last, from the District composed of the county of Greene; William Arnold, from Benton, Talladega and Randolph; William Barclay, from Jackson; Benajah S. Bibb, from Montgomery; Henry Borough from Marion and Fayette; Robert Brodnax from Autauga; John M. Burke from Wilcox; Samuel Johnson from Blount; Lawson J. Keener from Barbour, Russell and Chambers; Samuel B. Moore from Pickens; James M. Nabors from Shelby; Constantine Perkins from Tuscaloosa; Thomas R. Scott from Lowndes, and James B. Wallace from the county of Lawrence, appeared, were qualified and took their seats.

The Hon. James Larkins appeared and produced his credentials as senator elect from the counties of Pike, Macon and Tallapoosa, but the seat being claimed by the honorable James Abercrombie as the qualified member elected in August, 1833, to serve three years, Mr. Larkins was not qualified.



The Senate then proceeded to the election of a President. The honorable Francis S. Lyon and the honorable John Erwin being in nomination.

Those who voted for Mr. Lyon, are Messrs. Abercrombie, Brodnax, Burke, Chapman, Hemphill, Keener, Lane, McVay, Morton, Nabors, Perkins, Phillips, Scott, Wallace, Walthall and Wilkinson.—16.

Those who voted for Mr. Erwin, are Messrs. Ashe, Arnold, Barclay, Bibb, Borough, Brown, Johnson, Moore and Vining.—9.

Mr. Lyon having received a majority of all the votes, was declared duly elected President of the Senate; whereupon Mr. Lyon was conducted to the chair, made his acknowledgments to the Senate for the honor conferred on him, was qualified and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of a Secretary, David S. Morton, William B. Street and John P. Graham being in nomination.

Those who voted for Mr. Morton, are Messrs. Abercrombie, Bibb, Brodnax, Brown, Hemphill, Keener, Lane, Moore, Morton, Nabors, Phillips, Scott and Walthall.—13.

Those who voted for Mr. Graham, are Messrs. Ashe, Arnold, Barclay, Borough, Chapman, Johnson, McVay, Perkins, Vining and Wallace.—10.

Those who voted for Mr. Street, are Messrs. President, Burke, Erwin of Green, and Wilkinson.—4.

No one of the candidates having received a majority of all the votes, the Senate then proceeded to ballot a second time, which resulted the same as the first balloting.

No one of the candidates having received a majority of all the votes, the Senate proceeded to ballot a third time, which resulted as the first and second ballotings.

No one of the candidates having received a majority of all the votes, the Senate proceeded to ballot a fourth time, the name of W. B. Street having been withdrawn.

Those who voted for Mr. Morton, are Messrs. President, Abercrombie, Bibb, Brodnax, Brown, Burke, Hemphill, Keener, Lane, Moore, Morton, Nabors, Phillips, Scott and Walthall.—15.

Those who voted for Mr. Graham, are Messrs. Ashe, Arnold, Barclay, Borough, Chapman, Erwin of Green, Johnson, McVay, Perkins, Vining, Wallace and Wilkinson.—12.

Mr. Morton having received a majority of all the votes, was declared duly elected Secretary of the Senate: When he was qualified, and entered upon the duties of his office.

The Senate then proceeded to the election of an assistant Secretary. William H. Pool, Henry Kannon and Thomas B. Childress, being in nomination.

Those who voted for Mr. Pool, are Messrs. Abercrombie, Bibb, Brodnax, Brown, Hemphill, Morton, Nabors, Phillips, Scott, Walthall and Wilkinson.—11.

Those who voted for Mr. Kannon, are Messrs. Arnold, Barclay, Chapman, Johnson, Moore and Vining.—6.

Those who voted for Mr. Childress are Messrs. President, Ashe, Borough, Burke, Erwin of Green, Keener, Lane, McVay, Perkins and Wallace.—10.

No one of the candidates having received a majority of the whole number of votes, the Senate proceeded to a second balloting, which resulted as the first.

Mr. Kannon was then withdrawn, when the Senate proceeded to a third balloting.

Those who voted for Mr. Pool, are Messrs. Abercrombie, Bibb, Brodnax, Brown, Hemphill, Morton, Nabors, Phillips, Scott, Vining, Walthall and Wilkinson.—12.

Those who voted for Mr. Childress, are, Messrs. President, Ashe, Arnold, Barclay, Borough, Burke, Chapman, Erwin of Green, Johnson, Keener, Lane, McVay, Moore, Perkins and Wallace.—15.

Mr. Childress having received a majority of the whole number of votes, was declared duly elected, and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of Doorkeeper; Crawford Brown, Armistead R. Thomas, Archibald Sloan, Holman Southall, Harris Mitchell, Phillip P. Wright, Ebenezer Byram and William Myatt being in nomination.

Those who voted for Mr. Brown, are Messrs. Brown, Johnson, Morton, Phillips and Scott.—5.

For Mr. Thomas, Messrs. Abercrombie, Ashe, Arnold, Borough, Brodnax, Hemphill, Keener and Moore.—8.

For Mr. Southall, Messrs. Vining and Wallace.—2.

For Mr. Wright, Mr. Wilkinson.—1.

For Mr. Byram, Messrs. Barclay and Chapman.—2.

For Mr. Myatt, Messrs. President, Burke, Erwin of Green, McVay and Walthall.—5.

For Mr. Mitchell, Messrs. Bibb and Perkins.—2.

For Mr. Sloan, Messrs. Lane and Nabors.—2.

No one having received a majority of the whole number of votes the Senate proceeded to a second balloting.

Those who voted for Mr. Brown, are Messrs. Brown, McVay, Morton, Phillips and Scott.—5.

For Mr. Thomas, Messrs. Abercrombie, Ashe, Arnold, Borough, Brodnax, Hemphill, Johnson, Keener and Moore.—9.

For Mr. Sloan, Messrs. Lane and Nabors.—2.

For Mr. Southall, Messrs. Vining and Wallace.—2.

For Mr. Bryant, Messrs. Barclay and Chapman.—2.

For Mr. Myatt, Messrs. President, Burke, Erwin of Green, Walthall and Wilkinson.—5.

For Mr. Mitchell, Messrs. Bibb and Perkins.—2.

No one having received a majority of the whole number of votes, the Senate proceeded to a third balloting.

Those who voted for Mr. Brown, are Messrs. Brown, McVay, Morton, Phillips and Scott.—5.

For Mr. Thomas, Messrs. Abercrombie, Ashe, Arnold, Borough, Brodnax, Hemphill Johnson, Keener and Moore.—9.

For Mr. Sloan, Messrs. Lane, Nabors and Wallace.—3.

For Mr. Southall, Messrs. Chapman and Vining.—2.

For Mr. Bryant, Mr. Barclay.—1.

For Mr. Myatt, Messrs. President, Bibb, Burke, Erwin of Green, Walthall and Wilkinson.—6.

For Mr. Mitchell, Mr. Perkins.—1.

No one having received a majority of the whole number of votes, the Senate proceeded to a fourth balloting.

Those who voted for Mr. Brown, are Messrs. Barclay, Brown, McVay Morton, Phillips and Scott.—6.

For Mr. Thomas, Messrs. Abercrombie, Ashe, Arnold, Borough, Brodnax, Hemphill, Johnson Keener and Moore.—9.

For Mr. Sloan, Messrs. Lane and Nabors.—2.

For Mr. Southall, Messrs. Chapman, Vining and Wallace.—3.

For Mr. Myatt, Messrs. President, Bibb, Burke, Erwin of Green, Walthall and Wilkinson.—6.

For Mr. Mitchell, Mr. Perkins.—1.

No one having received a majority of the whole number of votes, the Senate proceeded to a fifth balloting.

Those who voted for Mr. Brown, are Messrs. Barclay, Brown, Chapman, McVay, Morton, Phillips, Scott and Vining.—8.

For Mr. Thomas, Messrs. Abercrombie, Ashe, Arnold, Borough, Brodnax, Hemphill, Johnson, Keener, Moore and Wallace.—10.

For Mr. Sloan, Messrs. Lane and Nabors.—2.

For Mr. Myatt, Messrs. President, Bibb, Burke, Erwin of Green, Walthall and Wilkinson.—6.

For Mr. Mitchell, Mr. Perkins.—

No one having received a majority of the whole number of votes, the Senate proceeded to a sixth balloting.

For Mr Thomas, Messrs Abercrombie, Ashe, Arnold, Borough, Brodnax, Hemphill, Johnson Those who voted for Mr Brown, are Messrs Barclay, Brown, Chapman, McVay, Morton, Phillips, Scott, and Vining.—8.

Keener, Lane, Moore, Perkins and Wallace.—12.

For Mr. Sloan, Mr. Nabors.—1.

For Mr. Myatt, Messrs. President, Bibb, Burke, Erwin of Green, Walthall, and Wilkinson.—6.

No one having received a majority of the whole number of votes, the Senate proceeded to a seventh balloting.

Those who voted for Mr. Brown, are Messrs. Barclay, Brown, Chapman McVay, Morton, Phillips, Scott and Vining.—8.

For Mr. Thomas, Messrs. Abercrombie, Ashe, Arnold, Borough, Brodnax, Hemphill, Johnson, Keener, Lane, Moore, Nabors, Perkins and Wallace —13.

For Mr. Myatt, Messrs. President, Bibb, Burke, Erwin of Green, Walthall and Wilkinson.—6.

No one having received a majority of the whole number of votes, the Senate proceeded to an eight balloting, all the candidates being withdrawn but Mr. Brown and Mr. Thomas.

Those who voted for Mr. Brown, are Messrs. President, Barclay, Bibb, Brown, Chapman, Erwin of Green, McVay, Morton Phillips Scott, Vining and Wilkinson.—12.

Those who voted for Mr. Thomas, are Messrs. Abercrombie, Ashe, Arnold, Borough, Brodnax, Burke, Hemphill, Johnson, Keener, Lane, Moore, Nabors, Perkins, Wallace and Walthall —15.

Mr. Thomas having received a majority of the whole number of votes given, was declared duly elected Doorkeeper of the Senate, and entered upon the discharge of the duties of his office.

A message from the House of Representatives by Mr. Tunstall: Mr. President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that the House of Representatives have organized, and that they have elected the honorable Samuel W. Oliver, Speaker; Thomas B. Tunstall Principal Clerk; Gideon B. Frierson, Assistant Clerk; Francis H. Ford, Engrossing Clerk; John Tatom, Doorkeeper; and James Rather, Messenger; and are now ready to proceed to business.

Mr. Lane offered the following resolution: *Resolved*, That a message be sent to the House of Representatives, informing them that the Senate have organized; that the honorable Francis S. Lyon of Marengo, has been elected President; David S. Morton, Secretary; Thomas B. Childress, Assistant Secretary, and Armistead Thomas, Doorkeeper, and are ready to proceed to business; which was adopted.

Mr. Lane offered the following resolution: *Resolved*, That the following standing committees be appointed.

A committee on propositions and grievances ;

A committee on enrolled bills ;

A committee on the judiciary ;

A committee on privileges and elections ;

A committee on inland navigation ;

A committee on roads, bridges and ferries ;

A committee on county boundaries ;

A committee on accounts and claims ;

A committee on education ;

A committee on the State Bank ;

A committee on military affairs ;

A committee on divorce and alimony ;

A committee on the State Capitol ;

A committee on State Printing ;

A committee on Indian affairs ; which was adopted.

Mr. Lane offered the following resolution: *Resolved*, That the rules of Decorum for the government of the Senate at the last session, be adopted as the rules of the present session, until otherwise altered, and that thirty copies thereof be printed for the use of the Senate, which was adopted.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Tuesday, November 18, 1834.*—The Senate met according to adjournment.

The honorable John B. Hogan of Mobile, appeared and took his seat.

Mr. Hogan presented the petition of E. DeVandel, asking of the legislature compensation for a map of the counties in which were located the 400,000 acres of relinquished lands granted by Congress to the State of Alabama, for the improvement of the Tennessee river; which was referred to a select committee, consisting of messrs. Hogan, Bibb and Wilkinson.

The honorable William Irwin, elected on the first Monday in August last, a Senator from the district, composed of the counties of Covington, Dale and Henry, appeared, was qualified and took his seat.

Mr Morton offered the following resolution: *Resolved*, That the Senate appoint a committee, to act with such committee as may be appointed on the part of the House of Representatives to wait on his Excellency the Governor, and inform him that the two Houses have organized, are now ready to receive any communication he may be pleased to make; which was adopted, and messrs. Morton, McVay and Hogan, appointed said committee.

Mr McVay offered the following resolution: *Resolved*, That the editors of the several newspapers in this city or State, be permitted to take a seat within the bar of the Senate, for the purpose of taking notes of the proceedings, during the present session; which was adopted.

Mr Moore introduced a bill, to be entitled an act, to change the time of holding the county Court of Pickens county; which was read a first time, and the constitutional rule being suspended, was read a second and third time and passed.

A message from the House of Representatives, by Mr Tunstall, their Principal Clerk: Mr. President—the House of Representatives, have adopted the following resolution: *Resolved*, That a committee be appointed to act with such committee, as the Senate may appoint, to wait on his Excellency the Governor, and to inform him, that the two Houses are organized, and are now prepared to receive any communication from him: Whereupon, messrs. Porter, Rather and Fleming were appointed said committee.

Mr Morton from the joint committee appointed to wait on his Excellency, the Governor, and inform him both Houses had organized, and were prepared to receive any communication he might think proper to address them, reported, that they have performed that duty, and received for answer, that he should make a communication to both Houses of the legislature at the hour of 12 o'clock this day.

A message from the Governor by James I. Thornton, Secretary of State:

EXECUTIVE DEPARTMENT, }

TUSCALOOSA, Nov. 18, 1834. }

*Fellow-Citizens of the Senate, and of the House of Representatives:*

The revolution of the seasons has convened you once more at the seat of Government, and I congratulate you on the auspicious circumstances under which you will commence your representative labors.

Our citizens have never been more prosperous. The current year has yielded an unexampled redundancy of provisions, and the staple crop will return an ample and a rich reward to the skill and industry of our planters. The unsettled parts of the State are rapidly filling up with a respectable population from other States, the adding greatly to its increasing wealth and growing prosperity.

Extending our views to other portions of the Union, we cannot fail to be impressed with the conviction, that our whole country enjoys a degree of prosperity which, if not unequalled, has never been surpassed at any former period. Its political condition, too, is such as to inspire the strongest confidence in the perpetual duration of all our free and happy institutions. The recent collisions produced by the unwise, but

temporary policy of the general government, between different sections of the country, have been happily adjusted, and the angry agitations which seemed for a while to threaten the most disastrous results, have had the effect of endearing our system more than ever to the affections of the people, and of sinking its foundations deeper and wider in the great principles of rational liberty and equal rights. With nothing to excite to unpleasant controversy, or to engender political strife, the present period is deemed peculiarly propitious for wise and wholesome legislation.

The resolutions of the 12th January 1833, proposing to the authorities of Georgia to refer the existing controversy, in relation to the boundary between the two States, to the umpirage of a suitable individual, have been considered by that State, and its determination is contained in a preamble and resolution, herewith submitted for your consideration. From these it appears, that our proposition so just and equitable, so free from objection and so well calculated to lead to a speedy and satisfactory adjustment, has not been acceded to; and it is painful to observe, that a disposition is manifested to agree to the establishment of no other line, than the one which Georgia has traced for herself, without the participation and against the consent of Alabama. The principal reason for the course she has adopted is, that if the line were removed eastward, which would no doubt be its true position, a debt would be imposed on her, to the general government, equal to the value of the lands which might be found to lie in this State, and which she has patented to her own citizens. This reason certainly can have no influence in settling our right of jurisdiction, the only one we are seeking to establish.

But, on this point, it is believed the apprehensions of Georgia are without any just foundation. The liberal policy which has marked the legislation of Congress, in relation to the public domain, does not admit the belief that any difficulty will be interposed by that body; and it may be safely concluded, that the United States would not hesitate to relinquish their claim to the small quantity of lands contained in the disputed territory. It is of the utmost importance, that the proper boundary be established without delay, and to that end, as well as to remove the objection now urged, I respectfully suggest the propriety of submitting to Georgia the proposition, that a joint application, from the two States, be made to Congress, asking a relinquishment of title to the lands in question.

The expediency of establishing a Penitentiary, has been submitted to the people, in conformity with the act of January last, and from the returns which have been received, it is shown that a large and decided majority are against it. Whatever opinions we may entertain on this interesting subject, the question has been settled in a manner, and by a tribunal, that commands implicit acquiescence. The project, therefore, of improving our Criminal Code, by introducing the Penitentiary system, must be considered, for the present, as abandoned. It is, however, otherwise susceptible of great and salutary changes which it is earnestly hoped the Legislature will adopt at the present session.

Their attention is particularly invited to the common practice of wearing secret weapons. It has already led to the destruction of many valuable lives, and unless measures be taken to suppress it, will grow into a frightful and an alarming evil. They are carried, it is alleged, in order to be provided with the means of self-defence, on occasions of emergency, but are much oftener used as instruments of revenge. This dark passion is exceedingly ingenious in its devices, which are generally so well contrived, that its victims are frequently made to appear as assailants. Within the last few years, not a few cases have occurred, in which individuals of character, of high and honorable feelings, and sterling worth, have been roused to violence by mere contrivances, when they were either immediately despatched or dangerously wounded by the dirk, the dirk-knife or the pocket pistol. Could these contrivances be established in our courts, the laws have provided ample punishment, but this being the very point which the scheme proposes to guard against, they are seldom susceptible of proof, and the offender is often discharged on the ground of necessary self-defence. Even when assaults are committed without provocation, it does not follow that the persons in fault, should be stabbed to death, or shot through the body. If it be objected, that the Legislature have no right to prescribe the mode of wearing arms of this description, there can be no difficulty in declaring the use of them against individuals unlawful, when carried secretly and out of sight, and of inflicting any punishment, however severe, for injuries done by them in individual rencounters. The evil complained of is universally regretted by the orderly and well disposed part of the community, and they would readily sanction the passage of all necessary laws for its suppression.

The existing laws for ascertaining the strength of the militia, are defective. They

have totally failed in obtaining from the officers accurate returns of the number of their respective corps. This is strikingly apparent from the last annual report of the Adjutant General, by which it would seem that our militia does not exceed three thousand, when there can be little doubt, that correct returns from the several brigades and divisions would show a force of nearly forty thousand effective men. The laws of most of the States have aimed at introducing discipline among the militia, and imparting to the body of the citizens, the instruction necessary to teach them the duties of active service, but they have uniformly failed of success, and it is the settled opinion of our best informed military men, that nothing useful can be accomplished beyond keeping in commission the necessary complement of officers, and obtaining regular and accurate returns of the effective militia force. The latter of these objects can be effected by adopting proper measures, which are recommended to the prompt and early attention of the Legislature. By the acts of Congress of 1808 and 1816, an annual appropriation of \$200,000 is made for the purpose of providing arms and equipments for the militia of the United States, which are to be distributed to each State in proportion to its effective force. The quota due to this State has never been received, and unless more accurate returns are furnished at the War Department, we shall continue, as heretofore, to sustain a considerable annual loss in these materials.

During the last session of the University, a spirit of insubordination, among the students, was found to exist, which threatened for a season to impair the discipline which had been introduced, and without which no literary institution can flourish. At the meeting of the board of trustees, in August, an enquiry was instituted, and a thorough and laborious investigation, enabled that body to arrive at the true cause of the evil, and to apply the corrective. The college exercises were resumed in October with a respectable number of students, and under circumstances highly favorable to the prosperity of the institution. With the present able and competent professors, all united in maintaining the discipline of the University, and zealous and active in their exertions to secure for it the high character to which it is entitled, it has strong claims to public confidence, and will doubtless, in the end, dispense all the blessings and benefits which its friends and patrons have anticipated.

The period has arrived, when the public authorities should settle upon, and commence such a system of internal improvements as the necessities of the country require, and will be justified and sustained by its resources. The topographical features of the State are fully developed—the soil of its several districts, and the productions to which it is adapted are known, the present condition of our towns, in regard to trade, is ascertained, and their future commercial prospects can be anticipated with tolerable certainty; so that there will be little difficulty in designating the points which should be connected, and in fixing the location of such channels of intercommunication, as will best promote the interest and advance the prosperity of the whole community. Our relative position to the neighboring and adjoining States, discloses the interesting fact, that the works which would be most valuable to ourselves, even if made without reference to them, will bring to our markets large quantities of their rich and valuable productions.

In casting the eye over the map of the State, it will be seen at once, that the great improvements of which we stand in need, should be laid between the northern section of the Chattahoochie river and the Alabama, and between the Tennessee river below the Muscle Shoals, and the navigable waters of the Tombecbee. These, with such improvements as might be made in the channel of the Coosa river, would convey through the heart of the State the produce of the rich country between that stream and the Chattahoochie, and of the whole northern section of the State, to the city of Mobile. They would, without doubt, bring to our markets, from our own citizens, a hundred and fifty thousand bales of cotton, which now seek, and will be sent to foreign markets, at great risk, labor and expense.

The advantages which Railroad transportation possesses over all others, not excepting that of steamboats, have been so often demonstrated, that it would be needless now, to enumerate them. They will be noticed in one or two respects, only, which of themselves will render conspicuous and impressive the blessings which this great invention is destined to confer on the human family.

We will assume, that the average quantity of cotton hauled in waggon to places where it is shipped on steamboats and other water craft, is one hundred thousand bales, and that the average distance it has to be carried, by this mode of conveyance, is fifty miles. The price per bale of hauling on common roads, may be stated at three cents a mile, making the cost of hauling 100,000 bales the distance of fifty miles amount to . . . . . \$150,000



The average rate of Railroad transportation will not exceed half a cent a mile, making the cost of conveying the same quantity of cotton, the same distance . . . . . \$35,000

Showing a difference between the two modes of conveyance, of . . . . . \$125,000

The experience of the last year, in the seven counties in the Tennessee Valley, and in such districts in the South, as, in the early part of the season, are remote from Steamboat navigation, will attest the correctness of the following statement, while it will constantly remind our citizens of the benefits they would derive from a Railroad communication with Mobile. At a period last season, when the Tennessee in the North, and other rivers in the South, were too low for navigation, it is known that the price of cotton in Mobile and New Orleans, ranged from 15 to 18 cents per pound. Previous to the periodical rise in these streams, which must always occur before our planters can ship their produce to market, it fell to 10 cents. The crop in the Tennessee Valley amounted last year to about 87,000 bales of 400 pounds each, and that in the South similarly situated, in regard to navigation, may be stated at 40,000 bales of equal weight, making in all 127,000 bales, which were cut off from the markets, until cotton fell to the lowest of the above stated prices.

127,000 bales of 400 pounds each at 15 cents per pound, will amount to \$7,620,000

The same quantity of cotton at 10 cents per pound, will amount to \$5,080,000

Showing an actual loss for want of early transportation, of . . . . . \$2,240,000

Add to this the difference between hauling in common wagons, and Railroad transportation, as before stated, . . . . . \$125,000

And the loss sustained by our citizens last year, reaches the enormous sum of . . . . . \$2,665,000

This sum, it is believed, is more than sufficient to construct a Railroad, upon the most permanent plan, and of the most durable materials, from Courtland, in Lawrence county, to Jackson, in Clarke county, the points of connexion which will probably be selected. There would indeed, be an excess which would go far towards completing a similar work between the Coosa region and the navigable waters of the Alabama.

Other advantages might be stated of equal value, with those of cheapness of freight and early access to the markets, but they are excluded by the limits which should be prescribed to communications of this kind. In whatever aspect a well matured system of Railroads is contemplated, it is fraught with benefits so great, and so essential to our agricultural and commercial prosperity, that it cannot fail, for any considerable time, to rouse the energies and stimulate the enterprize of our citizens, to a degree of activity, that will insure its ultimate establishment.

In the construction of the Railroad from Tusculum to Decatur, a distance of 45 miles, our intelligent fellow citizens, in that quarter, have set our example, which claims from our public authorities, the highest commendation, and should urge them to lend the aid of whatever means may be in their power, to the extension to other parts of the State, of a work so successfully commenced.

I respectfully recommend, that the formation of Railroad companies be invited, by granting charters of incorporation, and that stock be taken by the State, to the whole amount of the three and two per cent funds. The latter of these cannot, now, be expended, by Congress, upon the objects to which they were originally appropriated, and it will doubtless be placed at the disposal of the State, to be used with the other, in the construction of such works of internal improvement, within her limits, as the discretion and wisdom of her councils may direct. The three per cent fund, by being vested in stock of the State Bank, has been gradually and considerably increased, and when added to the two per cent, forms an amount, that will effectually aid in the completion of the great works to which your attention has been invited. If bestowed upon these or similar improvements, it will benefit the whole State, and I beg leave to urge your prompt opposition to all attempts that may be made to squander it upon objects that are local in their character and comparatively unimportant.

The citizens of Tennessee, of whose surplus productions, large quantities have annually wasted on their hands, have been awakened to the importance of this description of internal improvement, and they are now actively engaged in making surveys and estimates, and in laying plans for such works, as will break down the barriers that have heretofore excluded them from the Atlantic markets. They have enlisted the co-operation of their distinguished fellow citizen, Gen. Gaines, in engaging public attention to this great object. He proposes the construction of a Railroad from the Tennessee section of the Mississippi river, which will pass through the south western border of the State of Tennessee, and the northern parts of the States.

of Alabama and Georgia, to the Railroad now in operation between Hamburg and Charleston. Intimately and extensively acquainted with the localities and resources of the western country, he has demonstrated, with a conclusiveness which excludes all doubt or uncertainty, the practicability and utility of this stupendous undertaking. He has discerned, too, with the eye of an experienced and a sagacious soldier, the advantages which a position on this part of the Mississippi river would have over all others, for the establishment of a great national armory, and as a rendezvous in time of war for the military forces of the western States; from which, it is shown, that any number of troops, with all necessary supplies, might be transported, upon the proposed Railroad, and such lateral roads, as the States through which it might pass, would establish, with a dispatch that would afford complete protection to our whole Southern sea coast.

As soon as the work contemplated by the citizens of Tennessee, shall reach the Tusculumbia and Decatur Railroad, the proposed road from Courtland to the navigable waters of the Tombeckbee, will convey a large proportion of the cotton and other produce in the south western counties of that State, to the markets of Alabama.

The views of General Gaines, upon this subject, are in my possession, and will be cheerfully submitted to the examination of the committees that may be raised to take charge of this branch of the public service.

The State Bank and its Branches, continue to be managed with the prudence and ability which have heretofore controlled their operations. The directory, while they have aimed at a proper system of economy, and guarded against the fatal evil of excessive issues, have succeeded in accommodating the reasonable demands of all parts of the State. The community is supplied, if not with an ample, at least with the necessary quantity of sound circulation, enabling our planters to obtain a fair price for their produce, and preventing property of every description from falling below its proper value. These were the principal ends of our banking system, which has been reared and matured with unusual circumspection, and with the enlarged capital of three millions and a half, now received, but little doubt is entertained that they will continue to be successfully accomplished.

The sale of State stock, by which this sum has been raised, was urged, among others, on the ground, that it would enable the Legislature to provide a fund sufficient to defray all the expenses of the government, and to relieve the people entirely from the burdens of direct taxation. It was this anticipated benefit that obtained the sanction of the community for so large a loan, and recommended to them the expediency of pledging the faith and resources of the State for its redemption. The profits of the Banks will be sufficient to realize this result, without detriment to the public interest, and without subjecting these institutions to the slightest embarrassment.

It is also proper that a fund be provided out of the Bank dividends, that will be sufficient to discharge the public debt, at the expiration of thirty years, when it will fall due. This will have the effect to enhance the value of our stocks, and to give increased confidence to the holders. This fund ought to be held sacred, and should never be appropriated to any other use or purpose whatsoever.

The practicability of accomplishing this object, as well as of abolishing the present mode of taxation, with its attendant inconveniences and expenses, will be demonstrated by the following statement.

It may be assumed with perfect safety, that the Bank dividends will not be less than 9 per cent. They have heretofore exceeded that sum.

The amount of State bonds being \$3,300,000, would be equalled in 30 years by an annual appropriation of . . . . . \$126,666 66½

The annual interest on the bonds at 5 per cent, amounts to . . . . . \$196,000

The sum necessary to defray all expenses of the government, may be stated at . . . . . \$90,000

Making the total amount on bank dividends, . . . . . \$412,666 66½

The amount of banking capital being \$4,704,600, the annual profits on this sum at 9 per cent, will be . . . . . \$423,374 00

From which, deduct the above stated amount of demands on these profits, and a balance will be left of . . . . . \$10,707 33½

It will be perceived, in the above estimate of banking capital, that the profits of the last and present years, which form a part of the capital are not included; nor have the future profits been computed, of the fund to be provided for the ultimate payment of the bonds.

From this view, it would seem, that the taxes might be abolished at once and immediately, with perfect safety; but as the proposed plan is to effect a radical change in the revenue system, and in order to guard against any possible derangement, it



might introduce, it would be advisable to make the reduction gradual for four years, after which period, the revenue should be supplied entirely from the profits of the Banks.

While this measure is fraught with great and extensive benefits to the people, it furnishes an additional argument in favor of our system of banking, and displays in a strong light the preference which it justly claims over private institutions.

Applications will probably be made from different sections of the country to increase our banking capital, founded on a supposed scarcity of the circulating medium. As evidence of deficient circulation, complaints will be made, that money cannot be had on the best paper. These complaints do not form a criterion to be relied on, and though made in the utmost sincerity and with perfect truth, should generally be distrusted, as proof of scarcity. They are, on the contrary, usually the evidence, and invariably the offspring of redundant currency. If more money is thrown into circulation than is wanted, the whole history of banking proves, that it is sure to engender an inordinate thirst for speculation, to plunge the country into extravagance, and often to involve it in bankruptcy. It is the imaginary wants produced by this state of things, and not any real deficiency in the circulation, that commonly give rise to demands for more money, and to complaints of its scarcity.

If, in a country, the productions of labor command a reasonable price, if property can be sold at what it is really worth, and if the exchanges can be effected without inconvenience, it may be concluded with certainty, that there is no necessity for increasing the quantity of circulation. All these tests are believed to exist in Alabama, and they show that a just proportion has been established between the money and the annual produce of the country, which would be almost certainly destroyed by any improvident addition to our banking capital.

JOHN GAYLE.

Which was ordered to lie on the table, and eight hundred copies thereof to be printed for the use of the Senate.

And then the Senate adjourned until to-morrow ten o'clock.

*Wednesday, November 19, 1834.*—The Senate met according to adjournment.

A message from the House of Representatives by Mr Tunstall. Mr President: The House of Representatives have read three several times and passed the bill which originated in the Senate, entitled an act to change the time of holding the County Court of Pickens county.

Mr Lane presented a bill to be entitled an act for the relief of Thomas G. Tyus, late Assessor and Collector of Limestone county; which was read a first time. Mr Lane moved to suspend the constitutional rule, and give the bill a second and third reading forthwith; which was lost.

On motion of Mr Hogan, *Ordered*, that the bill be read a second time to-morrow.

In pursuance of an order of the Senate, Mr President reported the following standing committees.

A committee on propositions and grievances, to consist of Messrs McVay, Hemphill, Morton, Brodnax, and Ashe.

A committee on enrolled bills, to consist of Messrs Vining, Wallace and Arnold.

A committee on the judiciary, to consist of Messrs Erwin of Greene, Chapman, Wallace, Perkins, Moore, Wilkinson and Bibb.

A committee on privileges and elections, to consist of Messrs Chapman, Lane, Wilkinson, Wallace and Perkins.

A committee on inland navigation, to consist of Messrs Lane, Bibb, Moore, Brown, Nabors, and Burke.

A committee on roads, bridges and ferries, to consist of Messrs. Walthall, Bibb, Brown, Wilkinson and Johnson.

A committee on county boundaries, to consist of Messrs Brodnax, Scott, Keener, Nabors and Irwin of Henry.

A committee on accounts and claims, to consist of Messrs Burke, McVay, Hemphill, Arnold and Brown.

A committee on education, to consist of Messrs Phillips, Erwin of Greene, Perkins, Walthall, Wallace, and Chapman.

A committee on the State Bank, to consist of Messrs Hogan, Bibb, Erwin of Greene, Perkins, Chapman, Phillips and Vining.

A committee on military affairs, to consist of Messrs Irwin of Henry, Hogan, Scott, Abercrombie and Lane.

A committee on divorce and alimony, to consist of Messrs Wilkinson, Ashe, Morton, Johnson and McVay.

A committee on the State capitol, to consist of Messrs Moore, Perkins, Keener, Brodnax and Barclay.

A committee on state printing, to consist of Messrs Barclay, Walthall, Hogan, Brodnax and Moore.

A committee on Indian affairs, to consist of Messrs Abercrombie, Irwin of Henry, Erwin of Greene, Moore, Ashe, and Arnold.

Mr Irwin of Henry, introduced a bill to be entitled an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company; which was read a first time. Mr Irwin of Henry, moved to suspend the constitutional rule, requiring bills and joint resolutions to be read on three several days, and to give the bill a second reading forthwith; which motion was lost. On motion of Mr Irwin, the bill was ordered to a second reading on to-morrow.

Mr Brown introduced a bill to be entitled an act to establish two election precincts in the county of Walker; which was read, and ordered to a second reading to-morrow,

Mr Irwin of Henry, introduced a bill to be entitled an act for the relief of Thomas S. Harvey, guardian of the minor heirs of Benjamin Harvey, deceased; which was read, and ordered to a second reading to-morrow.

Mr Hogan offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the propriety of increasing the salaries of the Judges of the Supreme and Circuit Courts, and whether the finances of the State will not justify the measure; and also whether there is not an absolute necessity of so doing, in order to retain and obtain the best legal talents within the State to fill those important offices; which was adopted.

Mr Chapman presented the report of the commissioners appointed by the Governor to examine into the condition of the Branch of the Bank of the State of Alabama, located at Decatur, which is as follows:

*To the President of the Senate and Speaker of the House of Representatives of the State of Alabama in General Assembly convened.*

The Commissioners appointed by the Governor to examine into the condition of the Branch of the Bank of the State of Alabama, located at Decatur, respectfully Report,

That on Wednesday, the 29th of October last, they proceeded to the Banking house of said Branch Bank, and commenced their examination by inspecting the journals of the Directory. Believing it to be of primary importance in the discharge of their duties, to ascertain whether any violation of the Charter of the Bank had taken place, they first turned their attention to the proceedings of the Directors. After a careful comparison of their acts with the authority granted by the Charter, the Commissioners were unable to detect the slightest violation of its provisions. The Directors have paid due regard to all the restrictions imposed upon them by the Legislature; and have exhibited in all their proceedings, as far as the Commissioners could ascertain, the prudence and caution which would naturally result from a proper sense of their highly important and responsible situation.

In granting accommodations, the Commissioners believe that the Directors have regarded alike the interests of the State and the community, and have made as equal a distribution of the funds of the Bank as a due regard to their responsibilities would allow. It is very evident, however, that the Directors cannot adopt any certain rule by which they could attain exact equality in the distribution of the funds of the institution, either among the applicants for Bank accommodations, or with reference to the general population of the Tennessee Valley. For it, no doubt, frequently occurs, that notes or bills which are frequently good, are rejected by the Board of Directors in consequence of their want of information as to the solvency of the parties; and that others are discounted for persons well known to the Board, but who reside in counties that have received more than a due proportion of accommodation. In addition to these sources of inequality, it may be observed, that the situation of the Bank sometimes requires that its issues should be limited; and it has happened, that occasions for the exercise of prudence in this respect have occurred at times when applications were made from counties that had not before been proportionably accommodated, and that these applications have, in some instances, been withdrawn before the situation of the Bank would authorize the Board, by a free issue, to extend general accommodation. The Commissioners, fully convinced that a sound discretion has been exercised upon this subject by the Directors, beg leave to refer to the statement of the Discount, Clerk [Document marked A.] which will show the amount of notes discounted and bills purchased, with the counties from which they were offered, since the establishment of the Bank. For a statement of the general condition of the Bank and its true situation up to the 4th inst: the Commission-

<b>Blank impressions have been received of notes payable at counter,</b>	:	:	:	:	:	:	\$1,120,000
<b>One box on hand, unopened, and two on the way from New York, containing, as per invoice,</b>	:	:	:	:	:	:	595,000
<b>Impressions of Post notes received, amounting to</b>	:	:	:	:	:	:	440,000
<b>And on the way from Philadelphia, as per invoice</b>	:	:	:	:	:	:	60,320

Bank impressions have been received of notes payable at counter, amounting to	:	:	:	:	:	:	\$1,120,000
One box on hand, unopened, and two on the way from New York, containing, as per invoice,	:	:	:	:	:	:	595,000
Impressions of Post notes received, amounting to	:	:	:	:	:	:	440,000
And on the way from Philadelphia, as per invoice	:	:	:	:	:	:	60,320
							<hr/>
Making a total of	:	:	:	:	:	:	\$2,215,320
							<hr/>
Of which there have been issued, of notes payable at counter	:	:	:	:	:	:	707,642
Of Post notes, there have been issued	:	:	:	:	:	:	224,000
							<hr/>
Making a total of	:	:	:	:	:	:	931,642

The act of the Legislature specifying the duties of Commissioners appointed to examine the banks of the State, requires that they shall ascertain whether the Directors have been guilty of impropriety of conduct, by too great an emission of money. Upon examination, they are satisfied that at no time has the emission of paper been beyond the certain means, possessed by the bank, of redemption in specie. And the advantageous arrangements which have been made by the board of Directors, with other banks within the scope of the circulation of its paper, to receive it on terms agreed upon, have given it a credit and a general circulation at least equal to the expectations of its most sanguine friends. By these arrangements, the Institution has been rendered more stable and secure, while its profits have been greatly enlarged. Nor can they omit the observation, that the authority granted by the last legislature to issue post notes, has greatly facilitated the operations and added to the safety of the bank. Since the passage of that law, the calls for specie, which had previously been very frequent and onerous to the officers of the Institution, have almost entirely ceased. The Commissioners thoroughly convinced of the practical benefits which have resulted from the authority to issue post notes, are inclined to consider as questionable policy, the restriction imposed by the legislature upon the bank, of not exceeding in its issue of that kind of paper, one fourth of its amount in circulation.

In the course of their examination, the commissioners were forcibly struck with the great disparity between the amount of accommodation asked for, and the actual amount of accommodation which the Directors have deemed it prudent to grant. By reference to the statement of the Discount Clerk, before referred to, it will be seen that the amount of notes offered, is almost double that of notes discounted. With regard to bills of exchange, no record was kept by the bank of such as were refused, prior to the 23d day of July, 1834. From that date to the 1st of November, 1834, it will be seen that the amount offered greatly exceeds the amount purchased; and it will not escape observation, that the record of rejected bills was commenced at a time subsequent to the greatest usual demand for that kind of accommodation. It is well known also in this part of the State, that our citizens obtain from Tennessee an amount of borrowed capital, almost if not quite equal, to the amount thrown in circulation by the Decatur bank. Making the most liberal deductions for such paper, as may be offered by the improvident and the dishonest, it seems almost impossible to resist the conclusion from the facts here stated, that an increase of banking capital is urgently required by the commercial interests of this section of the State.

Among other duties of the commissioners, they are required to report whether any officer of the bank has been "guilty of fraud or gross impropriety." In discharge of this part of their duty, it affords them pleasure to state, that not one officer of the institution has lowered in the least the elevated character which he bore into it, and that they are all entitled to the public confidence. They have afforded every facility in their power to the commissioners, in the whole progress of the examination; and the records of the proceedings of the bank sufficiently testify to their clerical skill and accuracy. The daily labors of these officers, their heavy and harassing responsibilities, the necessity that exists for their efforts, not in banking hours only, but even to the exclusion of ordinary recreation, and social enjoyment to a considerable extent, have induced the commissioners, respectfully, but sincerely, to suggest that their compensation is not commensurate with the services which they render. This they consider particularly true with regard to the Teller of the bank, whose salary is only 1200 dollars per annum, and who is responsible for mistakes, that in his situation, neither diligence nor honesty can prevent. All of which is most respectfully submitted.

NICHOLAS DAVIS,  
JOHN VINING,  
REUBEN CHAPMAN. } Commissioners.

Decatur, November 8, 1834.

Which was ordered to lie on the table, and five hundred copies thereof to be printed for the use of the Senate.

Mr Moore offered the following resolution : *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of requiring justices of the peace, to give bond and security for the payment over of such monies, as shall come to their hands as collecting officers ; which was adopted.

Mr Wilkinson offered a joint resolution, that the present session of the General Assembly be limited to the 18th day of December next; which was read and ordered to a second reading on to-morrow.

And then the Senate adjourned until to-morrow morning, ten o'clock.

*Thursday, November 20th, 1834.*—The Senate met according to adjournment.

The Hon. David R. Boyd, elected a senator from the county of Bibb, to fill the vacancy occasioned by the Hon. Alexander Hill's resignation, appeared, was qualified and took his seat.

A message from the House of Representatives by Mr Tunstall, their principal clerk. Mr Speaker: The House of Representatives have adopted the following resolution : "*Resolved*, That with the concurrence of the Senate, the two houses will convene on Thursday next, (to-day) at 12 o'clock, for the purpose of electing a Senator to the Congress of the United States, from and after the fourth day of March next, for the term of six years, to supply the place of the Hon. William R. King, whose term of service will expire on that day." In which the Senate concurred.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, an act to change the time of holding the county courts of Pickens county.

Mr Chapman introduced a bill to be entitled an act to authorise the personal estate of deceased persons, to be reserved from sale for a limited time; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time, and referred to the judiciary committee.

Mr Irwin of H. introduced a bill to be entitled an act for the reduction of the tax on cattle ; which was read and ordered to a second reading on to-morrow.

Mr Vining introduced a bill to be entitled an act to establish a Branch of the Bank of the State of Alabama, at ——— in the Tennessee Valley ; which was read and ordered to a second reading on to-morrow.

Mr Hogan presented the report of the commissioners appointed by the Governor to examine into the condition of the Branch of the Bank of the State of Alabama, at Mobile. Which is as follows :

*To the Senate and House of Representatives of the State of Alabama in General Assembly convened:*

The undersigned, Commissioners, have the honor to report, that in obedience to the appointment conferred on them, by his Excellency, the Governor of the State of Alabama, for the examination of the Branch Bank of said State at Mobile, that they have had the subject under their consideration, and have performed the duty assigned them; that after having carefully examined such books and papers, which they deemed relevant to the full and minute investigation of the affairs of that institution, they offer the accompanying statements, as the result of their inspection, to wit:

Statement marked A., exhibits the condition of the Bank up to the 1st of October, 1834. Statement marked B., exhibits a list of officers employed by the Bank at an annual salary ; among those officers, it will be observed that there are some not recognised by law, also the salaries of the Book-keeper and Runner have been increased, contrary to the sum allowed by law. The motives which have induced the President and Directors to transcend their power, will no doubt be explained in their annual report. Statement marked C., exhibits the several responsibilities of the President and Directors, as payers, indorsers and discounters. The undersigned have been careful to see that there were no double charges inserted in this statement, and that the amounts were taken from the books in the presence of the Cashier, who admitted them to be correct. Statement D., exhibits a list of the Counties, and the amount received by each from the Bank. It is not in the power of the undersigned to say with any certainty, as to the responsibilities attached to the papers so discounted for these Counties; having confined themselves to facts, they have refrained from indulging in any remarks on the course of policy pursued by the Board in their discounts, or to the management of the institution. They leave this, as well as all other matters, to the wisdom and foresight of the Legislature.

Very respectfully,

S. H. GARROW, }  
L. JUDSON, } *Commissioners.*  
J. B. HOGAN. }

Which was read and laid on the table, and five hundred copies ordered to be printed.

Mr Bibb moved the following resolution : *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of preventing the circulation of bills of foreign banks, under the denomination of five dollars ; which was adopted.

Mr Abercrombie presented the report of the commissioners appointed by the Governor to examine into the condition of the Branch of the Bank of the State of Alabama, at Montgomery ; which was laid on the table.

Mr Wallace moved the adoption of the following resolution : *Resolved*, That the resolution establishing the committee on "inland navigation," be amended by the words "internal improvements and" before the words "inland navigation," which was carried.

Mr Hemphill introduced a bill to be entitled an act to repeal in part, an act for the suppression of vice and immorality, passed 12th March, 1803, which was read and ordered to a second reading on to-morrow.

Mr Brodnax introduced the following resolution : *Resolved*, That the Senate will on to-morrow proceed to the election of a committee on their part, to consist of three members, to act with such committee as may be elected on the part of the House of Representatives, to examine and report the condition of the Bank of the State of Alabama ; which was adopted.

On motion of Mr Lane, the Governor's message was taken from the table, and referred to a committee of the whole Senate on Monday next.

Mr Vining introduced a bill to be entitled an act to alter and amend the several laws in relation to the sale of sixteenth sections ; which was ordered to a second reading on to-morrow.

Mr Lane moved the adoption of the following resolution : *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of prohibiting the Bank of the State of Alabama and its several branches from issuing bills of a less denomination than five dollars ; which was carried.

Mr Wallace moved the following resolution : *Resolved*, That the committee on internal improvements and inland navigation, be instructed to report a bill, incorporating a company for the purpose of constructing a rail road, to connect the Tennessee Valley with the waters of Mobile bay, commencing at a point near Elkton in Tennessee, by Athens in Limestone county, and Moulton in Lawrence county ; thence so as to intersect the waters of the Alabama or Tombeckbee river, where steam boats of any class can at all seasons of the year reach the termination of said rail road." Mr Chapman moved to amend the resolution, by inserting after the words "Athens in Limestone," the words "Decatur in Morgan county," when on motion of Mr Irwin of H. the resolution and amendments were laid on the table.

The bill for the relief of Thomas G. Tyus, late Assessor and Collector of Limestone county, was read a second time, and on motion of Mr Brown, referred to the committee on accounts and claims.

A message from the House of Representatives by Mr Tunstall : Mr President—The House of Representatives have adopted the following resolution : *Resolved*, That the Senate be informed that the House of Representatives are now ready to receive them, to go into the election of a Senator to the Congress of the United States, to commence from the fourth day of March next.

When on motion of Mr Hogan, the Senate repaired to the hall of the House of Representatives, and having taken their seats, Mr President announced the object of the meeting, when the two houses proceeded to the election of a Senator to the Congress of the United States, to fill the vacancy which would occur on the fourth day of March next, by the expiration of the term for which the Hon. William R. King was elected. The Hon. Wm. R. King being in nomination—

Those who voted for William R. King are, Messrs President, Ashe, Arnold, Barclay, Bibb, Burrow, Boyd, Brown, Burke, Chapman, Erwin of G., Hogan, Irwin of H. Johnson, Lane, McVay, Moore, Morton, Nabors, Perkins, Phillips, Vining, Wallace and Wilkinson, of the Senate—Mr Speaker, Armbrister, Bagby, Calhoun, Cantley Carmack, Clark, Coffey, Curtis, Davis, Dent, Dubose, Evans, Farrar, Fleming, Frierson, Gayle, Gilbreath, Gilmer, Glascock, Greer, Hill, Hollis, Horton, Houston, Jackson, Johnson, Jones of J. Jones of T. King, Lane, Lewis, Massey, May, McAlpine, McCarty jr. McCord, McHenry, McLemore, Miree, Murphy, Owen, Patton, Phelan, Porter, Pratt, Rains, Rather, Richardson, Rodgers, Sanders, Scott, Seaberry, Sargent Shields, Shortridge, Sims, Snodgrass, Sossaman, Sterrett, Stone, Tate, Taylor Thompson, Walker, Wallis, Ward, Warren, Womack, Wooldridge. Wynn Young of J. and Young of L.

Messrs Brodnax and Walthall of the Senate, voted for Mr Lewis; Mr Keener voted for Judge Lipscomb; Messrs Clough and Robinson of the House of Representatives, voted for Governor Gayle; Messrs Cottrell, Henderson and Lee voted for Judge Lipscomb; Mr Mundy voted for Judge Saffold; Mr Roberts, voted for Henry Hitchcock; Messrs Salley and Simmons voted for James Abercrombie; Mr Williams voted for Samuel W. Oliver.

Hon. William R. King having received received a majority of votes, Mr Speaker, therefore, declared him duly elected a senator to the Congress of the United States, for the ensuing six years, from and after the 4th March next.

The election being over, the Senate withdrew, returned to their own chamber, and Mr President resumed the chair.

The Senate then adjourned until ten o'clock to-morrow morning.

*Friday, November 21st, 1834.*—Mr Chapman presented the petition of sundry citizens of Morgan county, praying the Legislature to grant a charter for a turnpike therein named, to John S. Brooks and his associates; which was read and referred to the committee on roads, bridges and ferries.

Mr Moore presented the following resolution: *Resolved*, That James Larkins be qualified and take his seat as a Senator from the district composed of Pike, Macon and Tallapoosa counties.

Mr Lane moved to refer it to the committee on privileges and elections.

Mr Morton moved to adjourn until to-morrow morning ten o'clock; which was lost.

Mr Hogan moved the Senate to adjourn until 3 o'clock this evening; which was carried.

*Evening Session, 3 o'clock, Friday, 21st November, 1834.*—The Senate met pursuant to adjournment.

Mr President presented the annual report of the President of the Bank of the State of Alabama; which was read, laid on the table, and five hundred copies ordered to be printed for the use of the Senate.

The Senate resumed the consideration of the resolution offered this morning by Mr Moore, and the question on Mr Lane's resolution to refer it to the committee on privileges and elections being taken, it was determined in the negative.—Yeas 11, nays 16.

Those who voted in the affirmative, are, Messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane Phillips Scott Wallace and Walthall.

Those who voted in the negative, are, Messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining and Wilkinson.

Mr Lane moved to lay the resolution on the table until to-morrow; which was lost.—Yeas 10, nays 17.

The yeas and nays being called for, those who voted in the affirmative, are, Messrs Brodnax Chapman Hemphill Irwin of H. Keener Lane Phillips Scott Wallace and Walthall.

Those who voted in the negative, are, Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining.

Mr Phillips being in the chair, Mr President moved to refer the resolution to the committee on the judiciary, with instructions to ascertain and report to the Senate, what were the legal and constitutional limits of the senatorial district, embracing the county of Montgomery, at the election held for a senator of that district, on the first Monday in August, 1833; when the counties of Pike, Macon and Tallapoosa were organised; whether said counties or either of them, legally and constitutionally composed a part of the Montgomery senatorial district, at the election held for senator of said district in August, 1833, and whether the people of either of the



said counties of Pike, Macon and Tallapoosa voted, or had a right to vote, in the election of senator, from the district embracing the county of Montgomery, at the said election held in August, 1833; whether James Abercrombie, who was returned as a member of the Senate from the Montgomery district, under the election of 1833, has in any manner vacated his seat in the Senate, and if so, in what manner, and who has been elected to supply his place; and whether at the date of the apportionment law of the last session, the said James Abercrombie resided within any part of the district from which he was returned as a member of the Senate, under the election held in August, 1833, and in what district or county his residence was embraced on the first Monday in August last, and that said committee be requested, if their convenience will permit, to report the result of their examination on to-morrow; which was carried.—Yeas 15, nays 13.

The yeas and nays being called for, those who voted in the affirmative, are Messrs President Bibb Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Nabors Phillips Scott Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Ashe Arnold Barclay Borough Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore and Vining.

Mr Lane moved to add the senator from Lawrence to the committee on internal improvements and inland navigation; which was carried.

On motion of Mr Vining, the senator from Bibb was added to the committee on enrolled bills

On motion of Mr Abercrombie, the following resolution was adopted:—*Resolved*, that the committee on roads, bridges and ferries, be instructed to inquire into the expediency of appropriating a portion of the three per cent fund, for the completion of the main stage road leading from Line Creek in this State, to Columbus in Georgia; the erection of bridges over all creeks where it may seem necessary on said road; also to inquire into the expediency of appropriating a portion of the same fund to the improvement of the navigation of the Tallapoosa river, from its mouth to the falls near Tuckabatchee.

Mr Chapman introduced a bill to be entitled an act to authorise the issuance of execution in certain cases; which was read and ordered to a second reading on to-morrow.

Mr Wilkinson offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of laying off the State into banking districts, and to limit the directors of the State Bank and its several branches in the amounts that they shall draw from said banks as principal and indorsers, and that they report by bill or otherwise; which was adopted.

Mr Moore offered the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of providing a summary remedy against constables, when they shall fail to make due return of executions, where the execution, together with interest and costs, amount to more than fifty dollars; which was adopted.

Mr Burke introduced a bill to be entitled an act more effectually to provide for the support of indigent families in this State; which was read and ordered to a second reading on to-morrow.

Mr Chapman introduced a bill to be entitled an act to authorise John Brooks and his associates to turnpike a road therein named; which was read and ordered to a second reading on to-morrow.

Mr Lane introduced a bill to be entitled an act extending the jurisdiction of the mayor and constable of the town of Athens; which was read and ordered to a second reading on to-morrow.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, November 22d, 1834.*—A message from the House of Representatives by Mr. Tunstall: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Hall of the House of Representatives on Monday the 24th instant, for the purpose of electing a state printer; which was concurred in by the Senate.

A message from the Governor by James I. Thornton Secretary of State.

EXECUTIVE DEPARTMENT, }

Tuscaloosa, 21st November, 1834. }

I have the honor to inform the General Assembly, that the following appointments have been made, to fill vacancies that occurred during the recess. The commissions which have issued, will expire according to the constitution, at the end of the present session.

James W. Hawkins, Judge of the county court of Conecuh county, in the place of J. Wetherford, resigned; George K. Evans, Judge of the county court of Dallas county, in the place of James M. Calhoun, resigned; Benjamin C. Lauderdale, Judge of the county court of Henry county, in place of John W. Gilmore, deceased; Walter K. Baylor, Judge of the county court of Jefferson county, in place of John Brown, (red) resigned; Wade W. Griffin, Judge of the county court of Shelby county, in the place of Alphonso A. Sterrett, resigned; Joseph Bryan Judge of the county court of Tallapoosa county, in place of Willis Atkins, resigned.

The Hon. Benjamin F. Porter, has recently resigned his situation as Judge of the county court of Monroe county; and the office of Judge of the eighth judicial circuit has been vacated by the death of the Hon. John W. Paul.

Signed,

JOHN GAYLE.

Which was laid on the table.

Another message from the Governor by Mr Thornton, Secretary of State: Mr President—I am requested by the Governor to inform your honorable body, that he did on the 20th instant, approve and sign an act to change the time of holding the county court of Pickens county, which originated in the Senate. *Ordered*, to lie on the table.

Mr President presented the annual report of the Comptroller of public accounts, which was laid on the table and sixty copies ordered to be printed for the use of the Senate.

A bill to be entitled an act for the relief of Thomas S. Harvy, guardian &c. was read a second time, and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to establish two additional election precincts in the county of Walker, was read a second time and referred to the committee on privileges and elections.

A bill to be entitled an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company was read a second time. Mr Irwin of H. moved to strike out all after the caption, and substitute another bill in lieu thereof; which was carried, the bill laid on the table, and 60 copies ordered to be printed.

The joint resolution to limit the period of the present session of the legislature, were read a second time. Mr Brown moved to lay it on the table until the 18th day of December next; which was lost.—Yeas 8, nays 20.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Arnold Barclay Boyd Brown Hemphill Johnson Moore and Morton.

Those who voted in the negative, are Messrs President Abercrombie Ashe Bibb-Borough Brodnax Burke Chapman Erwin of G. Hogan Irwin of H. Keener Lane McVay Nabors Phillips Scott Vining Walthall and Wilkinson.

Mr Wallace moved that it be engrossed for a third reading on Monday next. Mr Erwin of G. moved to strike out 18th and insert 24th. Mr Moore asked for a division of the question. The question then was, will the Senate strike out the word 18th; which was decided in the affirmative.—Yeas 15, nays 13.



Those who voted in the affirmative, are Messrs President Arnold Barclay Borough Boyd Brodnax Brown Erwin of G. Hemphill Hogan Irwin of H. Johnson Moore Nabors and Vining.

Those who voted in the negative, are Messrs Abercrombie Ashe Bibb Burke Chapman Keener Lane McVay Morton Phillips Scott Walthall and Wilkinson.

The motion to insert 24, was withdrawn. Mr Hogan moved to refer the resolution to the committee on propositions and grievances; which was lost. Mr Walthall's motion to have it engrossed for a third reading on Monday next recurred, and was carried.

A bill to be entitled an act for the reduction of the tax on cattle, was read a second time. Mr Brown moved that the further consideration of the bill be indefinitely postponed; which was lost. Mr Phillips moved to lay the bill upon the table; which was carried.

A bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ——— in the Tennessee Valley; was read a second time and referred to the committee on the State Bank.

A bill to be entitled an act to repeal in part an act for the suppression of vice and immorality, passed the 12th March, 1803, was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act to alter and amend the several laws in relation to the sale of sixteenth sections, was read a second time and referred to the committee on education.

A bill to be entitled an act to authorise the issuance of execution in certain cases, was read a second time, and referred to the committee on the judiciary.

A bill to be entitled an act more effectually to provide for the support of indigent families in this State, was read a second time, and on motion of Mr Abercrombie, the further consideration thereof, was indefinitely postponed.—Yeas 16, nays 11.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Abercrombie Ashe Arnold Bibb Borough Boyd Brown Chapman Hemphill Irwin of H. Johnson Lane McVay Phillips Scott and Vining.

Those who voted in the negative, are Messrs President Barclay Brodnax Burke Erwin of G. Hogan Moore Nabors Wallace Walthall and Wilkinson.

A bill to be entitled an act to extend the jurisdiction of the Mayor and constable of the town of Athens, was read a second time. Mr Lane moved to amend the bill by adding the words "county of Limestone" at the end of the bill, and the words "and constable" after the words "justice of the peace," and then on motion, the bill was referred to the committee on the judiciary.

Mr Erwin of G. made the following report :

The Committee on the Judiciary, to whom was committed a resolution offered by the Senator from Pickens, proposing and providing that James Larkins be qualified and take his seat as Senator from the district, composed of the counties of Pike, Macon and Tallapoosa, together with certain instructions in relation thereto, have had the same under consideration, and a majority of said committee have instructed me to report.

Believing that the resolution contained a simple proposition, readily comprehended and easily understood, and that the right of Mr Larkins, *prima facie*, to be qualified and take his seat, depended upon the evidence furnished by his certificate of election, which he had produced, regularly made out and signed by the proper officer; the committee bestowed a very slight degree of attention upon it, but confined their investigation, principally to the first part of the instructions which accompanied the resolution.

It would be unreasonable to expect from the committee, from the short period allowed them to examine and report upon the multifarious matter, contained in the instructions, any minuteness of detail or fulness of argument, however much they may be desired by particular members, for the purpose of settling their minds; the committee are disposed to think, that less regard should be felt at the course they have been compelled to pursue, because a particular examination of several of the inquiries submitted to them by the instructions have, as the committee believe, no just or necessary connection with the direct and distinct question of the right of Mr Larkins to be qualified and take his seat; the only one that can regularly or correctly be decided by the Senate at this time, and would only have a tendency to produce obscurity and embarrassment.

The committee will therefore confine themselves to a simple expression of the opinions they

have formed, and a few of the plain and obvious reasons by which they are sustained. And first, the committee are of opinion, that "the legal and constitutional limits of the Senatorial district, embracing the county of Montgomery, at the election held for a Senator, of that district, on the first Monday in August, 1833, included the county of Montgomery at the time of its formation and establishment in 1829. The committee have been led to the adoption of this opinion, from having ascertained by an examination of the apportionment act of 12th January, 1828; that "the county of Montgomery," which then included all the territory in said limits, and no more, was laid off and made to compose one Senatorial district.

Secondly, the Committee find that the counties of Macon and Tallapoosa were established by an act of the General Assembly, approved the 18th of December, 1832; and that the county of Pike was originally established by an act, approved the 17th of December, 1821; and they are of opinion, that neither of said counties, or any part of them, "legally or constitutionally, composed any part of the Montgomery Senatorial district, at the election held for Senator of said district in August, 1833;" because neither of said counties, nor any part of them, was attached to or included in said district at the time it was laid off, in pursuance of the constitution in 1828; whether the people of either of said counties voted in the election of Senator for said district of "Montgomery county, at the election held in August, 1833, the committee are not prepared to say; but they are satisfied, that if any of them did vote, their votes were illegal and void, because there was no election held, according to the constitution and laws of the State, in August 1833. So far as the committee have been able to ascertain, in either of the counties of Macon or Tallapoosa, and at that time, so much of the county of Pike as was embraced in the original boundaries of said county, belonged to, and formed a part of, the Senatorial district, composed of the counties of Pike, Henry, Covington and Dale, and the residue did not belong to any Senatorial district. The committee have been informed, in a manner not entirely satisfactory, that persons residing in Macon county at the time of said election, came over and voted in Montgomery county; if they did, their votes were wholly illegal, and ought not to have been received, because by the 5th Section of 3d Article of the Constitution, all persons are required to vote in the county where they shall have resided three months next preceding the election at which they offer to vote.

From the further consideration of the remainder of the instructions, the committee respectfully ask leave to be discharged. In the opinion of the committee, they relate to matters not properly connected with the resolution which they accompany, nor materially necessary to a correct decision upon it; and the committee could not, within the time limited for their examination, ascertain fully and correctly, the facts mentioned in the remainder of said instructions. Besides, they are strongly disposed to believe that it would be most unreasonable to burthen and embarrass the claim of Mr Larkins to a seat in the Senate, and the right of the people of the district for which he was elected, to be heard through him as their constitutional agent and organ. By inquiries into facts in which he, so far as his claim has been presented, can have no concern, of which he cannot be supposed to be cognisable, and which have no apparent bearing upon, or connection with, his right to be qualified and take his seat as a member of the Senate, *in the first instance*, according to the before mentioned resolution and his certificate of election. Those who are curious to know the predicament in which Mr Abercrombie stands, and the claims which he sets up to a seat in the Senate, can examine for themselves as well as the committee could properly do; they were clothed with no power to take evidence, or send for papers and documents, or compel the attendance of witnesses before them. They could only rely upon their own individual knowledge, and upon such loose and casual information, as persons disposed, might voluntarily, without any lawful sanction, choose to communicate to them. This latter source of information is equally accessible to the other members of the Senate, as to those who compose the committee.

In conclusion, the committee recommend the adoption of the resolution committed to them, and that Mr Larkins be qualified accordingly. All of which is respectfully submitted.

Mr Wallace made the following report :

The undersigned, constituting the minority of the Judiciary Committee, to whom was referred the following resolution and instructions, viz: *Resolved*, That James Larkins be qualified to take his seat as Senator from the district composed of the counties of Pike, Macon and Tallapoosa, with instructions to ascertain and report to the Senate, what were the legal and established limits of the Senatorial district, embracing the county of Montgomery, at the election held for a Senator of that district on the 1st Monday in August, 1833—when the counties of Pike, Macon and Tallapoosa were organized—whether the said counties or either of them, legally and constitutionally composed a part of the Montgomery Senatorial district, at the election held in August, 1833—and whether the people of either of the said counties, voted, or had a right to vote, in the election of Senator from the district embracing the county of Montgomery, at said election in 1833—whether James Abercrombie, who was returned as member of the Senate from the Montgomery district, under the election of 1833, has in any manner vacated his right to a seat in the Senate, and if so, in what manner, and who has been elected to supply his place—and whether at the date of the apportionment law of the last session, the said James Abercrombie, resided in any part of the district from which he was returned as a member of the Senate, under the election held in August, 1833—and in what district or county his residence was embraced on the 1st Monday in August last—and that said committee be requested, if their convenience will permit, to report the result of their examination on to morrow, beg leave to REPORT:

That they have given the questions involved, that consideration which their importance demand. They have endeavored to act on the subject, calmly and deliberately, without permitting any thing of a partisan or personal character to influence the decision which their duty as representatives of the people, acting under the solemnity of an oath, so imperiously demanded. They must be permitted to remark that the subject has not been found free from difficulty; and that it involves questions, new and unsettled by any precedent, since the organization of our State Government. The time allowed for the investigation, they consider entirely inadequate to the character of the inquiry necessary to a proper investigation of the subject.

In relation to the limits of the Senatorial district embracing the county of Montgomery, when the election for Senator took place in 1833, we find that the Montgomery district, was originally composed of the county of Montgomery. Subsequently, a portion of that county, with some ter-

territory from the other counties, was erected into the county of Lowndes. In 1828-9 the Legislature passed a law, extending the laws of the State over that portion of it then occupied by the Creek nation of Indians. All the territory included in the county of Macon, by the said law, was attached to and formed a part of the county of Montgomery. We are informed and believe, that in 1832, the citizens of Macon county voted in the county of Montgomery at the regular elections of that year. At the session of the Legislature in 1832-3, an election precinct was established at the house of Thomas Woodward, in the county of Macon; and we are informed that in 1833, a poll was opened at that precinct, and the people of Macon county voted with the county of Montgomery. We are also informed and believe, that James Abercrombie removed from Montgomery to Macon county, before the passage of the apportionment law of 1834; and that no poll was opened at the elections of this year, in the counties of Tallapoosa and Macon for Senator. We are also informed, that the people of those counties paid taxes in the year 1833.

The question presents itself at the threshold; did the Legislature do violence to the Constitution in passing the law of 1828-9, extending the laws of the State over the Indian country, and attaching its territory to the contiguous country? We believe the negative of this proposition can be sustained upon constitutional ground, and that a contrary decision would do violence to the fundamental principles of republican government. By a reference to the constitution, art. 3, sec. 5, you will find the following provision in relation to the right of suffrage: "Every white male person of the age of twenty-one, or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last three months in the county, city or town, in which he offers to vote, shall be deemed a qualified elector." This provision is not equivocal, it speaks for itself; and under it, every citizen with the qualification therein specified, is entitled to his right of suffrage. Then if this be true, where could the people of the new counties exercise this invaluable privilege? Surely in the old counties to which they were attached, until the establishment of election precincts in their own counties; and by the constitution, they are entitled to vote with the old counties, until by numbers, and under a new apportionment law, they are entitled to separate representation. By a reference to art. 6, sec. 17, it will be seen, that in all cases of ceded territory acquired by the State, the general assembly may make such arrangements and designations of the boundaries of counties within such ceded territory, as they may deem expedient." This was done by an act of the Legislature, approved December 18th, 1832. At the same session an election precinct was established in Macon county, and its civil organization took place.

Mr Abercrombie claims his seat on this floor on the ground that he now resides, and did so previous to the passage of the apportionment law of 1834, in a portion of the Creek country attached to Montgomery county; and unless that law is unconstitutional, he is clearly entitled to it.

In addition to the views above presented to show the constitutionality of the law of 1829; we believe the Legislature have recognised its constitutionality in several instances, since its passage. We will mention one or two. The Senator who represented the district composed of the counties of Blount and St. Clair, it is well known, after the passage of the law of 1829, removed into that part of the Creek nation annexed to the county of St. Clair, and afterwards occupied his seat on this floor, when that fact was known to the Senate; no objection was made to this.—Again: if the construction in regard to the constitutionality put upon this law by the majority of the committee be carried, by what authority does the Senator from Blount, now occupy a seat here, when it is known he resides in that portion of the Cherokee nation attached to Blount county. If the Senate decide the law to be unconstitutional, they virtually decide that he is not entitled to a seat.

The minority believe that all the departments of the government having repeatedly, directly and by implication, recognised the laws extending the jurisdiction of the State over the Indian country, and annexing its territory to the different counties, it is too late now to disturb the question.

If this view of the question be correct, and the fact being admitted that Mr Abercrombie resided before the apportionment of 1834, and still resides in a part of Montgomery county, as enlarged by the act of 1829; that he was elected by the people of Montgomery county, so enlarged, for the term of three years from the first Monday in August, 1833; we believe him entitled to a seat from that district embracing his residence before and since the passage of the apportionment law of 1834; and composed of the counties of Macon, Tallapoosa and Pike; and offer for the consideration of the Senate, the following resolution:

*Resolved*, That James Abercrombie is entitled to his seat as a Senator from the Senatorial district composed of the counties of Macon, Tallapoosa and Pike, for two years, the unexpired time for which he was elected. All of which is respectfully submitted.

REUBEN CHAPMAN,  
JAMES B. WALLACE.

Mr Hogan moved to lay both reports on the table. Mr Irwin of H. moved a call of the house, which being sustained, the call was made, and all the senators answered but Mr Perkins.

Mr Lane moved that the Senate adjourn until Monday morning 10 o'clock, which was lost.—Yeas 11, nays 17.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Boyd Brodnox Chapman Hemphill Irwin of H. Keener Lane Morton Phillips Scott and Walshall.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Borough Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining Wallace and Wilkinson.

Mr Morton moved to adjourn until half past nine o'clock Monday next; which was lost.—Yeas 7, nays 21.

The yeas and nays being called, those who voted in the affirmative, are Messrs Boyd Brodnax Hemphill Irwin of H. Keener Morton and Scott.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Borough Brown Burke Chapman Erwin of G. Hogan Johnson Lane McVay Moore Nabors Phillips Vining Wallace Walthall and Wilkinson.

Mr Hogan moved to adjourn until three o'clock ; which was carried.

*Evening Session, 3 o'clock.*—The Senate met according to adjournment, Mr McVay in the chair.

Mr Hogan's motion to lay the two reports from the committee on the judiciary on the table recurring, was put to the Senate and carried.

The question on the adoption of Mr Moore's resolution then came up, and was decided in the affirmative.—Yeas 16, nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining and Wilkinson.

Those who voted in the negative, are Messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Phillips Scott and Walthall.

Mr Larkins then came forward, was qualified and took his seat.

Mr Lane introduced the following resolution: *Whereas*, the Senate by the vote just given, in admitting James S. Larkins to a seat as a member of this body, have admitted an unconstitutional number of members in the senatorial branch of the legislature. Therefore be it resolved, that the Senate will proceed forthwith to eject from this body, the number of members above thirty, that being the constitutional and legal number of senators, under the act of the last apportionment, passed 16th day of January, 1834.

On motion of Mr Hogan, the Senate adjourned until Monday morning 10 o'clock.—Yeas 22, nays 7.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Boyd Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Keener Larkins McVay Moore Morton Nabors Phillips Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Bibb Brodnax Borough Hemphill Lane Scott and Walthall.

And then the Senate adjourned accordingly.

*Monday, November 24th, 1834.*—Mr President laid the following communication before the Senate :

SECRETARY OF STATE' OFFICE, }  
Tuscaloosa, November 23d, 1824. }

Mr Speaker—Having determined to retire from the office I now hold, at the end of my official term, which will expire on the 27th of the present month, I respectfully ask permission through you, of the body over which you preside, to return to them, my profound respect and affectionate gratitude, for their generous and respected kindness, for the last ten years.

In making these poor acknowledgements, on the approaching separation, I confess I feel an emotion which I cannot express, but which I hope will not be considered intrusion in attempting. In retiring, let me assure the House of Representatives of my friendship and good feelings to them all, and express again the gratitude I feel for the magnanimous support they have constantly offered me, and be pleased my sincerest wishes for their individual happiness and prosperity.

I have the honor to be, with great respect, your humble servant,

Signed,

JAMES I. THORNTON.

Hon. SAMUEL W. OLIVER, Speaker }  
of the House of Representatives. }

Which was ordered to lie on the table.

Mr Abercrombie offered the following resolution: *Resolved*, that the committee on privileges and elections inquire into expediency of changing the mode of appointing managers of elections for members of the general assembly, by making it the duty of the commissioners of roads and revenue to make such appointments ; and further to inquire into the expediency of

passing a law, requiring the managers of all such elections, to prosecute all persons giving in illegal votes at the box where any such managers may preside, with leave to report by bill or otherwise; which was adopted.

Mr Moore introduced joint resolutions relating to certain matters of the administration of the general government; which were read and laid on the table.

Mr Hogan made it a point of order whether Mr Abernombie should come within the bar of the Senate. Mr President decided, that he did not consider himself authorised by the adoption of the resolution, admitting Mr Larkins to be qualified and take a seat as Senator, from the district composed of the counties of Pike, Macon and Tallapoosa, to require Mr Abernombie to retire from within the bar of the Senate.

The Senate then resumed the consideration of the resolution offered by Mr Lane on Saturday last, relative to the ejecting from the Senate, the number of members above thirty. Mr Lane asked leave to withdraw the resolution; which was refused. Mr Hogan moved to strike out the whole of the preamble; which was carried. Mr Lane called for the previous question, and the question being, shall the main question be now put; was decided in the negative.—Yeas 6, nays 23.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Hemphill Keener Lane Morton Nabors and Scott.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Bradnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Larkins McVay Moore Phillips Vining Wallace Walthall and Wilkinson.

Mr Morton moved to suspend the consideration of the resolution; which was carried.

A message from the House of Representatives by Mr Tunstall; Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed that this house is now ready to receive them in the hall, for the purpose of going into the election of a state printer. Whereupon the Senate repaired to the hall of the House of Representatives and having taken their seats, Mr President announced the object of the meeting, when the two houses proceeded to the election of a state printer. David Ferguson being in nomination.

Those who voted for Mr Ferguson, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Larkins McVay Moore Morton Nabors Phillips Vining Wallace and Wilkinson of the Senate. Messrs Speaker Armbrister Barron Bagby Burt Cantley Carmack Clark Clough Coffey Gurtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. King Lane Lewis Loyd Massey May McAlpine McCord jr. McCord McHenry McLemore Mirce Murphy Oliver Owen Phelan Porter Pratt Raines Rather Richardson Robert Robinson Rogers Sanders Seaberry Sargent Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Womack Wooldridge Wynn Young of J. and Young of L.

Mr. Abernombie voted for Mr Robinson, Mr Bradnax voted for Messrs Robinson & Davenport, Mr Hemphill voted for Mr Brumby, Mr Keener voted for Mr Davenport, Mr Lane voted for Mr Brickell, Mr Scott voted for Mr Robinson, Mr Walthall voted for Mr Robinson, Mr Bowin voted for Mr McGuire, Messrs Calhoun and Lee voted for Mr Frow, Mr Cottrell voted for Mr Mays, Messrs Greer Henderson Salley and Williams voted for Mr Davenport.

Mr Ferguson having received a majority of votes, Mr Speaker declared him duly elected public printer for the ensuing twelve months.

The election being over, the Senate withdrew, returned to their own chamber, and Mr President resumed the chair.

On motion, the Senate adjourned until three o'clock this evening.

*Evening Session, 3 o'clock, Monday November 24th, 1834.*—The



Senate resumed the consideration of the resolution introduced by Mr Lane, relative to the ejection of the number of members in the Senate over thirty.

Mr Hogan asked leave to withdraw his amendment, which was granted.

On motion of Mr Hogan, the further consideration of the resolution was suspended for the present.

Mr Erwin of G. made the following report: The judiciary committee to was whom referred a bill to be entitled an act to authorise the personal estate of deceased persons to be reserved from sale for a limited time, have had the same under consideration, and have instructed me to report the same without amendment.

Mr Erwin of G. moved to amend the bill by striking out of the first section, the word "executor," which was lost. Mr Erwin of G. then moved to strike out of the first section, the words "or the guardian of minors;" which was carried. Mr Erwin of G. then moved to add to the first section, the words "not exceeding ——— years;" which was carried. On motion of Mr Chapman, *Ordered*, that the bill be engrossed for a third reading on to-morrow.

Mr Wilkinson offered the following resolution :

Whereas, the Senate have by a vote, decided that James Larkins should be admitted, qualified and take his seat as Senator, for the Senatorial district, composed of the counties of Macon Tallapoosa and Pike; and whereas, the said James Larkins has accordingly been admitted, qualified and taken his seat, as Senator from said district; and whereas, James Abercrombie, who was elected for the Senatorial district of Montgomery county, at the general election held for said district, on the first Monday of August, 1833, according to the apportionment of 1828, and claims his seat as Senator for the district, composed of the counties of Macon, Tallapoosa and Pike, and declines to retire without the bar of the Senate; therefore resolved, that the President of the Senate require the said James Abercrombie to retire without the bar of the Senate; resolved further, as the opinion of the Senate, that the adoption of the foregoing preamble and resolution does not vitiate any right Mr Abercrombie may have, to contest the seat of any member of the Senate; and should he think proper to do so, the Senate will extend to him the usual courtesy in such cases.

Mr Lane moved to amend the resolution by adding the following: *Resolved*, That the Hon. James Abercrombie is not entitled to a seat in the Senatorial branch of this Legislature. Mr Erwin of G. moved to lay the amendment on the table; which was carried; Yeas 16, nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Ashe Arnold Barclay Borough Bibb Borough Barclay Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining and Wilkinson.

Those who voted in the negative, are Messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Phillips Scott Wallace and Walthall.

Mr Morton moved that the Senate adjourn until to-morrow morning 10 o'clock; which was lost.

On motion, a call of the Senate was sustained, and the resolution laid on the table for one hour.

On motion of Mr Brodnax, the Senate in pursuance of a resolution adopted on the 20th instant, proceeded to the election of a committee to consist of three members, to act with the committee on the part of the House of Representatives, in the examination of the affairs of the Bank of the State of Alabama. Mr Erwin of G., Mr Lane, Mr Hogan and Mr Burke, being in nomination.

Those who voted for Mr Erwin of G., are Messrs Abercrombie Ashe Arnold Barclay Borough Boyd Brodnax Brown Burke Chapman Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Nabors Phillips Vining Wallace and Wilkinson.—23.

Those who voted for Mr Lane, are Messrs President Abercrombie Bibb Brodnax Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Larkins McVay Moore Nabors Phillips Scott Vining Wallace and Walthall.—21.

Those who voted for Mr Hogan, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hemphill Irwin of H. Johnson Lane Larkins McVay Moore Nabors Phillips Scott Vining Wallace and Walthall.—24.

Those who voted for Mr Burke, are Messrs President Abercrombie Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Erwin of G. Hogan Keener Lane Moore Scott Vining Walthall and Wilkinson.—19.

Messrs Lane, Erwin and Hogan, being the three who received the high-

est number of votes given, were declared duly elected said committee.

A message from the House of Representatives by Mr Tunstall: Mr President: The House of Representatives have read three several times and passed a bill entitled an act to appoint commissioners to superintend the building a jail and repairing the court-house in the town of Columbiana in Shelby county, and to authorise the judge and commissioners of revenue and roads of said county to levy a special tax for that purpose; in which they ask the concurrence of the Senate.

They have elected a committee to consist of Messrs Jackson, Porter and Bagby, to act with such committee which may be appointed on the part of the Senate, to examine into the affairs of the Bank of the State of Alabama.

The bill communicated in the above resolution was read a first time, and ordered to a second reading on to-morrow.

A bill to be entitled an act to authorise John S. Brooks and his associates to turnpike a road therein named, was read a second time and referred to the committee on roads bridges and ferries.

Mr Lane offered the following resolution: *Resolved*, that in the cause now pending before the Senate, the Hon. James Abercrombie be allowed to be heard by counsel within the bar of the Senate. Mr Erwin of G. moved to lay the resolution on the table; which was lost; Yeas 13, nays 15.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Arnold Barclay Bibb Borough Brown Erwin of G. Hogan Johnson McVay Moore Nabors Vining and Wilkinson.

Those who voted in the negative, are Messrs President Ashe Boyd Brodnax Burke Chapman Hemphill Irwin of H. Keener Lane Morton Phillips Scott Wallace and Walthall.

Mr Erwin of G. moved to lay the resolution on the table until to-morrow; which was carried.—Yeas 16, nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining and Wilkinson.

Those who voted in the negative, are Messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Phillips Scott Wallace and Walthall.

The question then recurred on the adoption of Mr Wilkinson's resolution; which was carried.—Yeas 16, nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining and Wilkinson.

Those who voted in the negative, are Messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Phillips Scott Wallace and Walthall.

Mr Erwin of G. moved that the Senate adjourn until 10 o'clock to-morrow; which was carried.—Yeas 23, nays 4.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Keener McVay Moore Morton Nabors Phillips Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Hemphill Johnson Lane and Scott.

And then the Senate accordingly adjourned.

*Tuesday, November 25th, 1834.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have adopted the following resolution: *Resolved*, that with the consent of the Senate, the two Houses will assemble in the Hall, on Wednesday (to-morrow) at 12 o'clock to go into the election of a Secretary of State, Comptroller of Public Accounts and State Treasurer.

Mr Boyd presented the account of J. C. D. Trott Jailor of Bibb county; which was referred to the committee on accounts and claims.

Mr Scott presented the petition of Robert Rives, praying the restitution of money improperly paid to the tax collector of Lowndes county; which was read and referred to the committee on propositions and grievances.

Mr President laid before the Senate the following communication from the Comptroller of public accounts :

COMPTROLLER'S OFFICE, }  
Tuscaloosa, November 25th, 1834. }

Hon. Francis S. Lyon, President of the Senate.

SIR—I herewith have the honor to submit for the consideration of the Senate, a statement of the several claims against the State, filed in this office during the past year, together with such remarks on each, as an examination of them has suggested, and the law requires me to make.—I have thought proper to send the original accounts to the House of Representatives.

Very respectfully,

GEORGE W. CRABB.

*Ordered*, That the communication and accompanying document be referred to the committee on accounts and claims.

Mr Bibb moved to take from the table, the report of the commissioners appointed by the Governor to examine into the condition of the branch of the Bank of the State of Alabama at Montgomery ; which was carried.—Mr Bibb then moved that the report be laid on the table, and 500 copies ordered to be printed ; which was carried.

Mr Wallace offered the following resolution : *Resolved*, that in addition to the regular standing committees now appointed, a committee be appointed to be called the “committee of ways and means ;” which was rejected.

Mr Hemphill introduced a bill to be entitled an act to provide for the improvement of the rivers, and making, clearing out and repairing the public roads of this State ; which was read and ordered to a second reading on to-morrow.

The Senate according to order, resolved itself into a committee of the whole on the Governor's Message, Mr Lane in the chair, and after some time spent in the consideration thereof, the committee rose, Mr President resumed the chair, and Mr Lane reported the following resolutions :

1. *Resolved*, that so much of the Governor's message as relates to the dividing line between this State and the State of Georgia, together with the accompanying documents, be referred to a select committee.

2. *Resolved*, that so much of his Excellency's message as relates to the penal code, be referred to the judiciary committee.

3. *Resolved*, that so much of his Excellency's message as relates to the militia of this State, be referred to the military committee.

4. *Resolved*, that so much of his Excellency's message as relates to the University, be referred to the committee on education.

5. *Resolved*, that so much of his Excellency's message as relates to the construction of rail roads, be referred to the committee on internal improvements and inland navigation.

6. *Resolved*, that so much of his Excellency's message as relates to the State Bank and its branches, be referred to the committee on the State Bank.

7. *Resolved*, that so much of the Governor's message as relates to the reduction of taxes, be referred to a select committee ; all of which was read and adopted.

Agreeably to the first resolution, Mr President appointed a special committee to consist of Messrs Bibb, Erwin of G. and Irwin of H., and agreeably to the seventh resolution, Mr President appointed a select committee to consist of Messrs Chapman, Wilkinson and Wallace.

Mr Boyd introduced a bill to be entitled an act to amend an act to change the time of holding the circuit courts of the second judicial circuit, approved 16th January 1834 ; which was read and ordered to a second reading on to-morrow.

Mr Moore introduced the following resolution : *Resolved*, that the committee on internal improvement and inland navigation be instructed to in



quire into the expediency of appropriating a part of the three per cent fund, to repair and improve that part of the stage road from the town of Tuscaloosa to the town of Carrolton in Pickens, which passes through the Sipsie swamp; which was adopted.

Mr Bibb introduced a bill to be entitled an act to increase the capital stock of the branch of the Bank of the State of Alabama at Montgomery, which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time, and referred to the committee on the State Bank.

Mr Arnold moved the adoption of the following resolution: *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of vesting the power of filling vacancies of clerks of the circuit and county courts and sheriffs by the people, where vacancies occur by death, resignation or otherwise; which was carried.

The Senate then considered of the resolution from the House of Representatives proposing to go into the election of a Secretary of State, Comptroller of Public Accounts and State Treasurer, on Wednesday next. Mr Johnson moved to strike from the resolution the words Comptroller of Public Accounts and Treasurer of the State; which was carried. Mr Johnson moved further to amend the resolution by striking out the word Wednesday, and inserting Saturday; which was carried, and then the Senate concurred in the resolution.

Engrossed bill to be entitled an act for the relief of Thomas S. Harvy, guardian of the minor heirs of Benjamin Harvy deceased, was read a third time and passed the Senate.

Engrossed joint resolutions to limit the period of the present session of the legislature, was read a third time and passed.

Mr Hogan moved to take from the table the joint resolutions relating to certain measures of the administration of the general government; which was carried, and on motion read a second time and referred to a special committee consisting of Messrs Hogan, Moore and Erwin of G.

The engrossed bill to be entitled an act to authorise the personal estate of deceased persons to be reserved from sale for a limited time, was referred to a special committee consisting of Messrs Erwin of G. Chapman and Wallace.

The bill from the House of Representatives entitled an act to appoint commissioners to superintend the building a jail and repairing the court house in the town of Columbiana, Shelby county, and to authorise the judge and commissioners of revenue and roads of said county, to levy a special tax for that purpose, was read a second time and referred to a special committee consisting of Messrs Nabors, Phillips and Moore.

A resolution introduced on yesterday by Mr Lane, proposing that in the cause then pending before the Senate, the Hon. James Abercrombie be allowed to be heard by counsel within the bar of the Senate, was laid on the table.

Mr Hogan introduced the following resolution: Whereas, information has reached this country during the past summer, that the illustrious and patriotic friend of Washington and American independence, the consistent republican and supporter of the rights of man throughout the world, the good and beloved, the brave Lafayette, had ceased to exist.

Therefore be it resolved by the Senate, that with the concurrence of the House of Representatives, a joint committee of five members of each House be appointed to take into consideration the most suitable manner for this legislature to manifest in behalf of the people of this State, the respect and

reneration they have ever entertained for his services and character, and the deep regret they have felt on the announcement of this melancholy event; which was adopted. The committee on the part of the Senate, are Messrs Hogan, Erwin of G. Wallace McVay and Bibb.

Mr Lane offered the following resolution: *Resolved*, that the committee on military affairs be instructed to inquire into the expediency of so altering and amending the militia laws of this State, as will in their opinion, best remedy the evils now complained of, and that they report by bill or otherwise; which was adopted.

Mr Wallace introduced the following resolution: *Resolved*, that the committee on internal improvements and inland navigation be instructed to report a bill, incorporating a company to construct a rail road to connect the Tennessee Valley with the waters of the Mobile bay; which was adopted.

Mr Arnold introduced the following resolution: *Resolved*, that the committee on privileges and elections be instructed to inquire into the expediency of abolishing the following election precincts: one at the store house of John Berdin and one at Plumb spring in the county of Benton, also one at the house of David Conner, in the county of Talladega, and establish one at the house of James Cleveland on Terrapin creek, and John Sartin in the county of Benton; also one at the store house of Harmon and Praters in the county of Talladega; which was adopted.

Mr Bibb offered the following resolution which was adopted: *Resolved*, that the committee on roads, bridges and ferries be instructed to take into consideration the existing road laws, and to report by bill or otherwise.

Mr Erwin of G. made the following report: The special committee to whom was referred an engrossed bill to be entitled an act to authorise the personal estate of deceased persons to be reserved from sale for a limited time, with instructions to amend the same, by striking out the words "or guardians" wherever they occur in said bill, have had the same under consideration, and have instructed me to report the following amendment: strike out the words "or guardian" where they occur in the 3rd line of the fourth section, in which they ask the concurrence of the Senate.

Mr Chapman moved to fill the blank in the first section with the word "ten;" which was carried, and then the bill was read a third time and passed the Senate.—Yeas 16, nays 9.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Arnold Bibb Boyd Brodnax Burke Chapman Johnson Keener Larkins Moore Scott Vining Wallace and Walthall.

Those who voted in the negative, are Messrs Barclay Borough Brown Erwin of G. Irwin of H. McVay Nabors Phillips and Wilkinson.

Mr Walthall introduced the following resolution: *Resolved*, that the Secretary of the Senate furnish Mr Abercrombie with copies of the reports of the majority and minority of the judiciary committee on the subject of admitting Mr Larkins to take a seat within the bar of the Senate, and copies of all resolutions and notes of the Senate relating to the admitting of Mr Larkins to a seat within the Senate, and requesting Mr Abercrombie to retire without the bar of the Senate; which was adopted.—Yeas 25, nays 0.

The yeas and nays being called for, those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Keener McVay Moore Nabors Phillips Scott Vining Wallace Walthall and Wilkinson.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Wednesday, November 26th, 1834.*—The Senate met according to adjournment.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have read three several times and passed bills of the following titles, to wit: An act for the relief of Eliza W. Logan; an act to repeal an act entitled an act to authorise and require the encampment of the 33rd regiment of the militia of this State, in the county of Madison, in which they ask the concurrence of your honorable body.

Mr Irwin of H. presented the report of the quarter master, which was referred to the committee on military affairs.

The engrossed bill from the House of Representatives entitled an act for the relief of Eliza W. Logan, was read and ordered to be read a second time to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to repeal an act entitled an act to authorise and require the encampment of the 33rd regiment of the militia of this State, in the county of Madison, was read and ordered to a second reading on to-morrow.

A bill to be entitled an act to provide for the improvement of the rivers, and making, clearing out and repairing the public roads of this State, was read a second time, add referred to the committee on internal improvements and inland navigation.

Mr Wallace moved the adoption of the following resolution: *Resolved*, that the committee on education be instructed to inquire into the expediency of setting apart such portion of the public funds as can be spared for that purpose, to create a fund for the support of common schools, and that they report by bill or otherwise; which was adopted.

On motion of Mr Hemphill, Mr Morton was added to the committee on internal improvements and inland navigation.

Mr Boyd offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of repealing the law which requires all actions brought before justices of the peace, to be brought in the beat in which the defendant resides, with leave to report by bill or otherwise.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Thursday, November 27th, 1834.*—The Senate met according to adjournment.

Mr Lane introduced the memorial of the Tuscaloosa committee on rail roads; which was read and referred to the committee on internal improvements and inland navigation.

Mr Phillips from the committee on education, to whom was referred a bill to be entitled an act to alter and amend the several laws in relation to the sale of the sixteenth sections, reported an amendment by adding thereto two additional sections; which was laid on the table.

Mr McVay from the committee on propositions and grievances, to whom was referred the petition of Robert Rives, reported that they find the present law makes ample provision for all such cases, and asked leave to be discharged from the further consideration of the subject; whereupon the committee were discharged accordingly.

Mr Hogan from the committee on the State Bank, to whom was referred a resolution instructing said committee to inquire into the expediency of laying off the State into banking districts, and to limit the directors of the State Bank and its several branches, in the amount that they shall owe said banks as principal and indorsers, and to report by bill or otherwise, reported that it is inexpedient to lay the State off in banking districts, and beg leave to be discharged from the further consideration of so much of said

resolution, and to report by bill limiting the amount that each President and director shall become indebted to said bank as principal on notes, either directly or indirectly.

Mr Wilkinson moved to lay so much of the report on the table, as relates to the first branch of the subject ; which was carried, and then the bill reported by the committee, to wit : a bill to be entitled an act to limit the President and directors of the branch of the Bank of the State of Alabama at Mobile and for other purposes ; which was read and ordered to a second reading on to-morrow.

Mr Burke introduced a bill to be entitled an act to alter and amend the laws now in force, in relation to patrols ; which was read and ordered to a second reading on to-morrow.

Mr Phillips introduced a bill to be entitled an act to authorise the taking of the State stock reserved to the State, by the act to increase the capital of the Mobile bank ; which was read and ordered to a second reading on to-morrow.

Mr Barclay introduced the following resolution: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of authorising justices of the peace to cause a jury to be empannelled to try cases of assault and battery : which was adopted.

Mr Irwin of H. moved to take from the table a bill to be entitled an act to incorporate the Alabama, Florida and Georgia rail road company ; which was carried, and on motion of Mr Irwin of H., the bill was referred to the committee on internal improvements and inland navigation.

Mr Lane introduced a bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches ; which was read and ordered to a second reading on to-morrow.

Mr Nabors offered the following resolution: *Resolved*, by the Senate, that the committee on internal improvements and inland navigation, be instructed to inquire into the expediency of appropriating ——— thousand dollars for the purpose of improving the Coosa river ; which was adopted.

A message from the House of Representatives by Mr Tunstall: Mr President—The House of Representatives have read a third time and passed the bill which originated in the Senate, entitled an act for the relief of Thomas Harvy, guardian of the minor heirs of Benjamin Harvy, deceased. They have also read three several times, and passed bills which originated in the House of Representatives of the following titles, viz : an act to provide for drawing jurors to serve in the circuit courts of Dallas county ; and an act to repeal an act, passed January 14th, 1834, in which they ask the concurrence of your honorable body. They have also adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will on Saturday next go into the election of quarter master general. They disagree to the amendment made by the Senate to the resolution proposing to go into the election of Secretary of State, Comptroller of Public Accounts and State Treasurer, by striking therefrom Comptroller and Treasurer. They concur in the other amendment made to said resolution.—They concur in the resolution of the Senate proposing to appoint a joint committee of each House to take into consideration the most suitable manner for the legislature to manifest in behalf of the people of this State, the respect and veneration they entertain for the memory of General Lafayette ; whereupon Messrs Bagby, Cottrell, Glascock, Gayle and Jackson were appointed said committee.

On motion, the Senate concurred in the resolution of the House of Representatives proposing to go into the election of a quarter master general on Saturday next.

Mr Erwin of G. moved that the Senate recede from their amendment, by striking out the words Comptroller and Treasurer, made to the resolution of the House of Representatives proposing to go into the election of Secretary of State, Comptroller of Public Accounts and State Treasurer on Wednesday past ; which was carried.

An engrossed bill from the House of Representatives to be entitled an act to provide for drawing jurors to serve in the circuit courts of Dallas county, was read a first time and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to repeal an act passed January 14th 1834, was read and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act for the relief of Eliza W. Logan, was read a second time and ordered to a third reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to repeal an act entitled an act to authorise and require the encampment of the 33rd regiment of the militia of this State in the county of Madison, was read a second time and ordered to a third reading on to-morrow.

Mr Phillips offered the following resolution : *Resolved*, that the committee on internal improvements and inland navigation be instructed to inquire into the expediency of having appointed three commissioners, accompanied by a suitable engineer, to ascertain the most practicable route for connecting the waters of the Alabama river, with those of the Tennessee by a rail road, touching at such points on those two rivers, as will be productive of the most commercial advantages ; which was adopted.

Mr Chapman offered the following resolution : *Resolved*, that a select committee be appointed to memorialise Congress on the subject of removing the land office from Mardisville in Talladega, to Jacksonville in Benton county ; which was adopted, and Messrs Chapman, Nabors and Arnold appointed said committee.

Mr Keener offered the following resolution : *Resolved*, that a select committee be appointed to inquire into the expediency of drafting a suitable memorial to the Congress of the United States, to grant rights of pre-emption to those citizens of the creek nation, who were located upon by the Indians ; which was adopted, and Messrs Keener, Larkins and Moore were appointed said committee.

Mr Hogan introduced the following resolution : *Resolved*, that the judiciary committee be instructed to inquire into and report what oaths of office the judges of the supreme and circuit court are required by existing laws to take and subscribe, and whether any addition to said oaths are necessary to insure a faithful, impartial and speedy trial of the several causes in said courts, and to report by bill or otherwise ; which was adopted.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Friday, November 28th, 1834.*—The Senate met pursuant to adjournment.

Mr Phillips presented the petition of Tom Smith, a free man of color, praying the passage of a law, to authorise the emancipation of his wife and children ; which was referred to a select committee consisting of Messrs Phillips, Brodnax and Scott.

Mr Johnson presented the petition of sundry citizens of Blount county, praying the passage of a law, restoring John Smith to citizenship ; which was referred to the committee on propositions and grievances.

Mr Hogan from the committee on the State Bank to whom was referred a bill to be entitled an act to establish a branch of the Bank of the State of

Alabama at ——— in the Tennessee Valley, reported the same with sundry amendments, which was severally agreed to, and the bill and reports were laid on the table, and 30 copies of the bill ordered to be printed.

Mr Wallace from the judiciary committee, to whom was referred a bill to be entitled an act to extend the jurisdiction of the mayor and constable of the town of Athens, reported a substitute for said bill, to be entitled an act to extend the jurisdiction of the mayor of the town of Athens and for other purposes; which was agreed to, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Erwin of G. from the judiciary committee to whom was referred a bill to be entitled an act to change the times of holding the courts of the second judicial circuit, approved 15th January 1834, reported the same without amendment: which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Erwin of G. from the committee, to whom was referred a resolution instructing said committee to inquire into the expediency of requiring justices of the peace to give bond and security for the payment over of such monies as shall come to their hands as collecting officers, reported that it is inexpedient to require justices to give such bond and security. Mr Moore moved that the Senate disagree to the report; which was lost.—Yeas 10, nays 17.

The yeas and nays having been desired, those who voted in the affirmative, are Messrs President Arnold Boyd Burke Hogan Irwin of H. Johnson Moore Nabors and Scott.

Those who voted in the negative, are Messrs Ashe Barclay Bibb Borough Brodnax Brown Erwin of G. Hemphill Keener Lane Larkins McVay Morton Phillips Wallace Walthall and Wilkinson.

The motion to disagree to the report having failed, it was consequently concurred in.

Mr Erwin of G. from the judiciary committee to whom was referred a bill to be entitled an act to repeal in part an act, for the suppression of vice and immorality, passed 12th of March, 1803, reported that it is inexpedient to pass said bill. Mr Hemphill moved to disagree to the report; which was lost.—Yeas 8, nays 20.

The yeas and nays being called for, those who voted in the affirmative, are Messrs Hemphill Hogan Irwin of H. Keener Lane Moore Nabors and Scott.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Johnson McVay Morton Larkins Phillips Wallace Walthall and Wilkinson.

The motion to disagree to the report having failed, it was consequently concurred in.

Mr Erwin of G. from the judiciary committee to whom was referred a bill to be entitled an act to authorise the issuance of executions in certain cases, reported the same with sundry amendments; which was laid on the table.

Mr Morton introduced joint resolutions proposing the Hon. Hugh L. White, as a suitable person for the Presidency of the United States; which was read a first time and ordered to lie upon the table.

Mr Burke from the committee on accounts and claims, to whom was referred a bill to be entitled an act for the relief of Thomas G. Tyus, late assessor and tax collector of Limestone county, reported the same with an amendment; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Hogan introduced the following resolution: *Resolved*, that the 28th rule heretofore adopted for the government of the proceedings of the Senate be recinded, and the following be adopted in lieu thereof: The President



may appoint any other member to perform the duties of the chair, and such appointment may, in case of the necessary absence of the presiding officer, continue for the space of five days; which was laid over, of course, until to-morrow.

Mr Barclay introduced the following resolution: *Resolved*, that the committee on internal improvements and inland navigation, be instructed to inquire into the expediency of dividing the interest of the three per cent fund, among the several counties in this State, in proportion to population, to be applied to such objects of internal improvement as the judge of the county court and commissioners of roads and revenue of the respective counties may deem most expedient; which was adopted.

And then the Senate adjourned until half past two o'clock this evening.

*Evening Session, half past two o'clock.*—The Senate met pursuant to adjournment.

On motion of Mr Phillips, a bill to be entitled an act to alter and amend the several laws in relation to the sale of sixteenth sections, was taken from the table, and re-committed to the committee on education.

Mr Barclay offered the following resolution: *Resolved*, that the committee on education be instructed to draft and report a suitable memorial to the Congress of the United States, asking for each township in this State, where the sixteenth section is entirely useless, to be permitted to select from among the unsold lands, which have been offered for sale, the amount of one section, in 40 acre tracts; which was adopted.

Mr Lane, from the committee on internal improvement and inland navigation, to whom was referred a bill to be entitled an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company, reported the same with sundry amendments; all of which were concurred in, and the bill laid on the table.

Mr Burke introduced a bill to be entitled an act for the relief of D. C. Smith, executor of the estate of Wm. Hobbs, deceased; which was read a first time and ordered to a second reading on to-morrow.

Mr Walthall introduced a bill to be entitled an act to change the time of convening the general assembly of the State of Alabama, and limiting the sessions thereof; which was read a first time and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives, to be entitled an act, authorising the militia officers of Barbour county, to establish two company beats, with a less number than 40 privates, was read a first time and ordered to a second reading on to-morrow.

On motion of Mr Irwin of H. the motion to lay the bill to be entitled an act to incorporate the subscribers to the Alabama, Georgia and Florida rail road, was reconsidered. Mr Hogan moved that the further consideration of said bill be indefinitely postponed; which was lost.—Yeas 2, nays 23.

The yeas and nays being desired, those who voted in the affirmative, are<sup>d</sup> Messrs Bibb and Hogan.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Irwin of H. Johnson Lane Larkins McVay Moore Nabors Phillips Scott Wallace Walthall and Wilkinson.

Mr Moore moved to strike from the bill the words "with such branches as they shall deem necessary;" which was carried.—Yeas 15, nays 9.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Barclay Bibb Borough Boyd Erwin of G. Hogan Johnson Larkins McVay Moore Nabors Phillips and Wilkinson.

Those who voted in the negative, are Messrs Arnold Brown Burke Chapman Irwin of H. Lane Scott Wallace and Walthall.

Mr Hogan moved to insert the words, "the nearest and best route," after the word Florida in the 7th section.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, November 29th, 1834.*—The Senate met pursuant to adjournment.

Mr Lane, from the committee on internal improvements and inland navigation, to whom was referred a bill to be entitled an act to provide for the improvement of the rivers, and making, clearing out, and repairing the public roads of this State, reported the same without amendment. *Ordered*, that said bill be engrossed for a third reading on Monday next.

Mr Chapman presented the report of the Tennessee canal commissioners; which was referred to the committee on internal improvements and inland navigation.

Mr Erwin of G. from the committee on the State Bank, to whom was referred a resolution instructing them to inquire into the expediency of preventing the circulation of bills of foreign banks, under the denomination of five dollars; and also a resolution instructing them to inquire into the expediency of prohibiting the Bank of the State of Alabama and its several branches from issuing bills of a less denomination than five dollars, reported a bill to be entitled an act to prohibit the circulation of certain bills and notes therein mentioned, and for other purposes; which was read and ordered to a second reading on Monday next.

On motion, a bill to be entitled an act to incorporate the Alabama, Florida and Georgia rail road company was taken from the table. Mr Hogan moved to reconsider the vote on the adoption of the amendments to the 7th section; which was carried.

Mr Hogan moved to amend the bill by inserting after the words "artificial road," in the 2nd line of the seventh section, the words "commencing on the Alabama line, north of the city of Pensacola, passing over the most eligible and direct route through the counties of Conecuh, Covington, Dale, Henry, Butler, Pike, Russel and Barbour, to the Chattahoochie river, opposite or near the town of Columbus, in the State of Georgia, with such branches or lateral roads, as the said company may deem necessary, on the east side of said road;" and also by adding to the end of said section the following proviso: "And provided that nothing contained in this act shall be so construed, as to prevent any future legislature of this State, from exercising the right to incorporate a company to construct a rail road from any point on the Alabama or Tennessee rivers, to intersect said rail road;" and also by inserting after the words "judge of the" in the seventh line of the ninth section, the words "circuit or" and by striking out the words "or inferior," after the word county in the same line of the same section; and by striking out the word Marshal, wherever it occurs in the ninth section, and by inserting after the word "attorneys" in said section, the words "after the said amount has been paid." Mr Hemphill moved to amend the bill by striking out the name of Francis Boykin, and inserting that of George Stonum; all of which were carried, and the bill ordered to be engrossed for a third reading on Monday next.

Mr President laid before the Senate, the annual report of the State Treasurer; which was laid on the table and sixty copies ordered to be printed.

Mr Lane moved to take from the table the following resolution: *Resolved*, that in the cause now pending before the Senate, the Hon. James Ab-ercrombie be allowed to be heard by counsel, within the bar of the Senate; which was carried. Mr Lane moved to amend the resolution by inserting before the word counsel, himself and; which was carried. Mr Moore moved to amend the resolution by adding thereto, the words "provided



that neither be permitted to address the Senate more than twice ;" which was carried. Mr Moore moved to lay the resolution on the table ; which was carried.

The resolution relative to the 28th rule of order offered by Mr Hogan on yesterday, came up for consideration, when Mr Hogan moved the following as a substitute therefor : *Resolved*, that the 28th rule for the government of the Senate, be suspended till Saturday next, and that in case of the necessary absence of the presiding officer of this House, he may be permitted to call some other member to the chair to preside till that time ; which was adopted.

Mr Irwin of H. offered the following resolution : *Resolved*, that the Secretary of State be required to furnish the Senate with a statement of votes as returned to his office by the sheriffs of the several counties in this State, for and against the penitentiary, as required by the act of the last general assembly ; which was adopted.

Mr Hogan offered the following resolution : *Resolved*, that the committee on State printing be instructed to inquire into the propriety of so amending the existing laws, as to authorise the State printer to take copies from the journals of both Houses during the session, and to afford him such compensation, as would be reasonable and just ; which was adopted.

Mr President laid before the Senate the annual report of the Comptroller of Public Accounts ; which was laid on the table, and sixty copies ordered to be printed.

Mr Irwin of H. moved to take from the table the resolution permitting Mr Abererombie to be heard by himself and counsel, within the bar of the Senate ; which was carried. Mr Lane moved the following as a substitute : *Resolved*, that the Hon. James Abererombie be allowed to appear at the bar of the Senate by himself and counsel, to prosecute his right to a seat in the Senate. Mr Hogan moved to amend the substitute, by adding thereto the words "whenever Mr Abererombie shall present his memorial, stating distinctly what seat he claims in this Senate. On motion, the resolution was again laid on the table.

Mr President laid before the Senate the memorial of the Hon. James Abererombie, praying that he may be admitted to a seat in the Senate, by virtue of his election of August, 1833. *Ordered*, to lie on the table.

A message from the House of Representatives by Mr Tunstall : Mr President—The House of Representatives have adopted the following resolution : *Resolved*, that the Senate be informed that this House are now ready to receive them in this Hall for the purpose of going into the election of a Secretary of State, Comptroller of Public Accounts, State Treasurer, and Quarter-master General.

Whereupon, the Senate repaired to the Hall of the House of Representatives, were seated, and Mr President arose and announced the object of the meeting, when the two Houses proceeded to the election of a Secretary of State. Thomas B. Tunstall, Marmaduke Williams and Edmund A. Webster, being in nomination.

Those who voted for Mr Tunstall, are Messrs President Bibb Burke Hogan McVay Morton Perkins Phillips and Wallace of the Senate, of the House, Messrs Bagby Cantley Curtis Dubose Everett Gilmer Glascock Jackson Lane McAlpin McCarty McHenry McLemore Pegues Porter Rains Rather Roberts Sanders Seabury Sargent Shields Sterrett Stone and Tate.—34.

Those who voted Mr Webster, are Messrs Ashe Arnold Barclay Borough Brodnax Brown Chapman Hemphill Johnson Larkins Moore Scott and Vining of the Senate; Messrs Armbrister Clark Coffey Evans Farrar Fleming Gilbreath Henderson Hill Hollis Houston Johnson Jones of J. Jones of T. King Lee Lewis Loyd Massey Mc-

Cord Miree Mundy Murphy Oliver Pegues Phelan Pratt Roberts Robertson Sallee Scott Sargent Sims Simmons Snodgrass Sossaman Taylor Thomson Walker Wallis Warren Womack Wynn Young of J. Young of L.

Those who voted for Mr Williams, are Messrs Boyd Erwin of G. Irwin of H. Keener Lane Nabors Walthall and Wilkinson of the Senate; Messrs Speaker Barron Bowin Burt Carmack Calhoun Clough Cottrell Davis Dent Gayle Greer Horton May Owen Patton Richardson Rodgers Shortridge Ward and Williams.

No one of the candidates having received a majority of the whole number of votes, the two houses then proceeded to ballot a second time.

Those who voted for Mr Tunstall, are, Messrs President Bibb Burke Hogan Lane McVay Morton Nabors Perkins Phillips and Wallace of the Senate; Messrs Bagby Canley Dubose Everett Gilmer Jackson Lane McCarty jr. McHenry Miree Owen Porter Rains Rather Richardson Sanders Seabury Sargent Shields Sterrett Stone and Tate.

Those who voted for Mr Webster, are, Messrs Ashe Arnold Barclay Borough Brodnax Brown Chapman Erwin of G. Hemphill Irwin of H. Johnson Keener Larkins Moore Scott Vining and Wilkinson of the Senate; Messrs Armbrister Barron Bowin Burt Carmack Clark Coffey Cottrell Dent Evans Farrar Fleming Gayle Gilbreath Glascock Henderson Hill Hollis Houston Johnson Jones of J. Jones of T. King Lee Lewis Massey McCord McLemore Mundy Murphy Olive Patton Pegues Phelan Pratt Roberts Robertson Rodgers Sallee Scott Sims Simmons Snodgrass Sossaman Taylor Thompson Walker Wallis Warren Womack Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Williams, are; Messrs Boyd and Walthall of the Senate; Messrs Speaker Calhoun Clough Curtis Davis Greer Horton May Shortridge Ward and Williams.

Mr Webster having received a majority of the whole number of votes given, was declared by Mr Speaker, duly elected Secretary of State, for and during the constitutional term of said office.

The two houses then proceeded to the election of a State Treasurer.— William Hawn and Hardin Perkins being in nomination—

Those who voted for Mr Hawn, are Messrs Ashe Arnold Barclay Borough Boyd Brown Chapman Erwin of G. Hogan Larkins Moore Nabors Vining and Wilkinson of the Senate; Messrs Armbrister Cantley Clark Coffey Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Glascock Houston Jones of J. Jones of T. King Lewis Loyd Massey May McAlpin McCarty jr. McCord McHenry McLemore Murphy Owen Patton Phelan Pratt Rather Richardson Roberts Rodgers Sanders Scott Sargent Shields Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Warren Wynn Young of J. and Young of L.

Those who voted for Mr Perkins, are, Messrs President Bibb Brodnax Burke Hemphill Irwin of H. Johnson Keener Lane McVay Morton Perkins Phillips Scott Wallace and Walthall of the Senate; Messrs Speaker Barron Bagby Bowin Burt Calhoun Carmack Clough Cottrell Curtis Davis Everett Gilmer Greer Henderson Hill Hollis Horton Jackson Johnson Lane Lee Miree Mundy Oliver Pegues Porter Rains Robertson Sallee Seabury Simmons Ward Williams and Womack.

Mr Hawn having received a majority of the whole number of votes, was declared by Mr Speaker, to be duly elected State Treasurer.

The two houses then proceeded to the election of a Comptroller of Public Accounts. George W. Crabb and Jefferson C. Van Dyke, being in nomination.

Those who voted for Mr Crabb, are Messrs President Ashe Bibb Brodnax Brown Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Lane McVay Morton Nabors Phillips Scott Wallace Walthall and Wilkinson of the Senate; Messrs Speaker Barron Bagby Bowin Burt Calhoun Carmack Clough Cottrell Curtis Davis Dent Everett Gilmer Greer Henderson Hill Hollis Horton Houston Jackson Lane Lee McAlpin McCord Miree Mundy Oliver Patton Pegues Porter Richardson Roberts Robertson Rodgers Sallee Sanders Scott Seabury Shields Simmons Sterrett Stone Wallis Ward Warren Williams Womack and Young of L.

Those who voted for Mr Van Dyke, are, Messrs Arnold Barclay Borough Boyd Hogan Johnson Larkins Moore Perkins and Vining of the Senate; Messrs Armbrister Cantley Clark Coffey Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Glascock Johnson Jones of J. Jones of T. King Lewis Loyd Massey May McCarty jr.

McHenry McLemore Murphy Owen Phelan Pratt Rains Rather Seargent Shortridge Sims Snodgrass Sossaman Tate Taylor Thompson Walker Wynn and Young of J.

Mr Crabb having received a majority of the whole number of votes given, was declared by Mr Speaker duly elected Comptroller of Public Accounts.

The two Houses then proceeded to the election of a Quarter Master General. Charles Lewin alone being in nomination.

Those who voted for Mr Lewin, are, Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Larkins McVay Nabors Perkins Phillips Scott Vining Wallace and Wilkinson of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Everett Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Horton Houston Johnson Jones of J. Jones of T. King Lane Lee Lewis Loyd Massey May McAlpin McCarty jr. McCord McHenry McLemore Miree Mundy Murphy Oliver Owen Patton Pegues Phelan Porter Pratt Rains Rather Richardson Roberts Robertson Rodgers Sallee Sanders Scott Seabury Seargent Shields Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wynn Young of J. and Young of L.

Mr Lewin having received a majority of the whole number of votes, Mr Speaker declared him duly elected Quarter Master General.

The elections being completed, the Senate repaired to their own chamber, and Mr President resumed the chair.

Mr President called Mr Moore to the chair, and at the same time informed the Senate that he had appointed Mr Moore to preside over the Senate, until he again resumed it himself.

Mr President, (Mr Lyon,) moved to take from the table the memorial of James Abercrombie; which was carried.

Mr Lyon moved that Mr. Abercrombie's counsel be permitted to come within the bar of the Senate and read said memorial; which was carried.

Whereupon the Hon. Arthur P. Bagby came within the bar of the Senate, and read said memorial.

Mr Wallace moved to lay the memorial on the table; which was carried.

And then the Senate adjourned until Monday morning, ten o'clock.

*Monday, December 1st, 1834.*—The Senate met pursuant to adjournment.

Mr Brodnax moved to take from the table the memorial of James Abercrombie; which was carried, and the memorial referred to the committee on privileges and elections.

Mr Erwin of G. moved the following resolution: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of changing the mode of electing justices of the peace and constables; which was adopted.

Mr Wallace offered the following resolution: *Resolved*, That a committee be appointed to act with such committee as may be appointed by the House of Representatives, to examine the offices of the Treasurer and Comptroller of the State of Alabama; which was adopted.

Mr Wallace introduced a bill to be entitled an act for the relief of bail in certain cases; which was read and ordered to a second reading on tomorrow.

A message from the House of Representatives by Mr Tunstall. Mr President:—The House of Representatives have read three several times and passed bills of the following titles, to wit: An act to provide for the payment of tales jurors in the county of Butler; an act to authorize the sale of town lots in Abbeville, in Henry county, and for other purposes; an act to authorize justices of the peace to appoint patrols; an act to repeal in part an act entitled an act making it the duty of commissioners of roads

and revenue, to select one quarter section of land, for the use of said counties; an act to change the name of, and legitimate Preston Newberry; an act to authorize certain officers therein named, to keep their offices at Columbia in the county of Henry; an act to give publicity to the opinions of the supreme court; an act to abolish the special court for the trial of slaves for capital offences, composed of the judge of the county court and two magistrates, and for other purposes; and an act to authorize and require the sheriff of Marion county to assess and collect the taxes of said county.

A bill from the House of Representatives to be entitled an act to provide for the payment of tales jurors in the county of Butler, was read and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives, entitled an act to authorize the sale of town lots in Abbeville, Henry county, and for other purposes, was read a first time, and the constitutional rule being suspended, was read a second and third time forthwith and passed.

An engrossed bill from the House of Representatives entitled an act to authorize a justice of the peace to appoint patrols, was read a first time and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives, to be entitled an act to repeal in part an act making it the duty of the commissioners of roads and revenue, to select one quarter section of land for the use of said counties, was read a first and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to change the name of, and to legitimate Preston Newberry, was read a first time and laid on the table.

An engrossed bill from the House of Representatives, to be entitled an act to authorize certain officers therein named, to keep their offices at Columbia, in the county of Henry, was read a first and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives, to be entitled an act to give publicity to the opinions of the supreme court, was read and ordered to a second reading to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to abolish the special court for the trial of slaves for capital offences, composed of the judge of the county court and two magistrates, and for other purposes, was read a first and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to authorize and require the sheriff of Marion county, to assess and collect the taxes of said county, was read a first and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr. Tunstall. Mr President:—The House of Representatives have read three several times and passed bills of the following titles, to-wit: an act to repeal in part and amend in part, an act entitled an act to provide a fund for compensating the grand and petit jurors for the county of Marion, approved on the 16th of January, 1834; an act to repeal the acts granting to John Fowler, the right of running a steam ferry boat between the city of Mobile and the town of Blakeley, and for other purposes; an act for the relief of James Harden; an act to amend an act, passed on the 16th December 1833, to renew and continue in force, an act to incorporate the town of Selma, in the county of Dallas; an act to amend a law therein named; an act to repeal an act entitled an act, permanently to locate the seat of justice in Franklin county, and for other purposes; an act to compensate jurors in the county of Pickens; an act to authorize the establishment of two company beats in the county of Russell, with a less number than forty privates; an act to authorize

the militia officers of Barbour county to establish two company beats with a less number than forty privates. In all of which they ask the concurrence of your honorable body.

An engrossed bill from the House of Representatives to be entitled an act to authorize the establishment of two company beats in the county of Russell, with a less number than forty privates, was read and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to compensate jurors in the county of Pickens, was read and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to repeal an act entitled an act permanently to locate the seat of justice in Franklin county and for other purposes, was read and ordered to a second reading on to-morrow;

An engrossed bill to be entitled an act to amend a law therein named, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act, to amend an act passed on the 16th December 1833, to revive and continue in force, an act to incorporate the town of Selma, in the county of Dallas, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act for the relief of James Harden, was read and ordered to be read a second time on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to repeal the acts granting to John Fowler, the right of running a steam ferry boat between the city of Mobile and the town of Blakeley, and for other purposes, was read and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to repeal in part and amend in part an act, entitled an act to provide a fund for compensating the grand and petit jurors of the county of Marion, approved on the 16th of January, 1834, was read and ordered to a second reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act for the relief of Eliza W. Thompson, was read and ordered to a second reading on to-morrow.

A bill to be entitled an act to authorize the taking of the stock reserved to the State, by the act to increase the capital of the Mobile bank, was read a second time and referred to the committee on the State Bank.

An engrossed bill to be entitled an act further to reduce the number of grand jurors in the county of Fayette, was read and ordered to a second reading on to-morrow.

A bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches, was read a second time and referred to the committee on the State Bank.

A bill to be entitled an act to alter and amend the laws now in force in relation to patrols, was read a second time and referred to a select committee, consisting of Messrs Burke, Irwin of H. and McVay.

Mr Chapman moved to add Mr Erwin of G. to the committee on privileges and elections; which was carried.

Mr Lane moved the Senate to excuse Mr Chapman from serving on the committee on privileges and elections; which was lost.

Mr Hogan offered the following resolution, which was adopted: *Resolved*, That the committee on the State Bank be instructed to inquire into the propriety of amending the several charters of the Bank of the State and its several branches, so as to vacate the seat of any president or director who may become bankrupt and unable to pay his notes due the bank.

Mr Lane offered the following resolution: *Resolved*, That the committee on the State Bank be directed to inquire into the expediency of increasing the salaries of the Cashier and Teller of the branch of the Bank at Decatur; and also, the salary of the Teller of the Bank of the State of Alabama, and also further to inquire into the expediency of providing an additional number of book-keepers in the Branch Bank at Mobile, or increasing their compensation, so as to secure persons well qualified; which was adopted.

Mr. Keener introduced a bill to be entitled an act to attach a portion of the county of Pike to the county of Barbour; which was read and ordered to a second reading on to-morrow.

Mr Arnold introduced a bill to be entitled an act requiring Treasurers to make annual reports; which was read and ordered to a second reading on to-morrow.

Mr Hemphill introduced the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of setting apart a certain portion of the capital stock of the Branch of the Bank of the State of Alabama at Mobile, for the use of the country paper; also to amend the note when it requires it made payable to bearer, and report by bill or otherwise; which was adopted.

Mr Brodnax offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of passing an act to prevent any note shaver from acting either as President or Director of the Bank of the State of Alabama, or either of its branches.

Mr President laid before the Senate, the following communication from Edmund A. Webster, Secretary of State:

*Secretary of State's Office,*  
December 1, 1834. }

MR PRESIDENT:—In compliance with a resolution of the Senate, I have the honor to submit to your honorable body, the within report of the returns of the votes taken on the penitentiary question, as far as they have been received at this office.

EDMUND A. WEBSTER, *Sec'y of State.*

*Ordered*, to lie upon the table.

Mr Morton offered the following resolution: *Resolved*, That the committee on the State Capitol be instructed to inquire into the expediency of authorizing the commissioners of the State Capitol to furnish the Senate chamber and House of Representatives with furniture and the necessary painting of the capitol, with leave to report by bill or otherwise; which was adopted.

A bill to be entitled an act to limit the President and Directors of the Branch of the Bank of the State of Alabama at Mobile, and for other purposes, was read a second time. Mr Wilkinson moved to amend the bill by adding thereto two additional sections. *Ordered*, that the bill and proposed amendments be referred to the committee on the State Bank.

An engrossed bill from the House of Representatives to be entitled an act to repeal an act passed January 14, 1834, was read a second time, and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to provide for drawing jurors to serve in the circuit courts of Dallas county, was read a second time and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act for the relief Eliza W. Logan, was read a third time and passed the Senate.

An engrossed bill to be entitled an act to repeal an act entitled an act to



authorize and require the encampment of the 33d regiment of the militia of this State in the county of Madison, was read a third time and passed.

A bill to be entitled an act to change the time of convening the general assembly of the State of Alabama, and limiting the sessions thereof, was read a second time and laid on the table.

Mr Wilkinson asked leave of absence for the Senator of Perry; which was granted.

A bill to be entitled an act for the relief of D. C. Smith, executor of the estate of William Hobbs, deceased, was read a second time and referred to the committee on propositions and grievances.

An engrossed bill to be entitled an act for the relief Thomas G. Tyus, late assessor and tax collector for Limestone county; was read a third time and passed.

An engrossed bill to be entitled an act extending the jurisdiction of the Mayor of the town of Athens, and for other purposes; was read a third time and passed.

An engrossed bill to be entitled an act to change the time of holding the circuit courts of the second judicial circuit, approved 16th January 1834; was read a third time and passed the Senate.

Mr Morton moved to take from the table the joint resolutions; proposing Hugh L. White, as President of the United States; which was lost. Yeas 10, nays 17.

The yeas and nays being desired, those who voted in the affirmative are Messrs Brodnax Hemphill Irwin of H. Keener Lane Moore Mortom Nabors Perkins and Scott.

Those who voted in the negative, are Messrs Ashe Arnold Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hogan Johnson Larkins McVay Vining Wallace and Wilkinson.

An engrossed bill to be entitled an act authorising the militia officers of Barbour county, to establish two company beats, with a less number than forty privates; was read a second, and ordered to a third reading on to-morrow.

A bill to be entitled an act to prohibit the circulation of certain bills and notes therein mentioned, and for other purposes; was read a second time. Mr Brown moved to strike out the third section of said bill; which was lost. Yeas 3, nays 24.

The yeas and nays being called, those who voted in the affirmative are Messrs Barclay Brown and McVay. Those who voted in the negative, are Messrs Ashe Arnold Bibb Borough Boyd Brodnax, Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins Moore Nabors Perkins Scott Vining Wallace and Wilkinson.

*Ordered*, That the bill be engrossed for a third reading on to-morrow.

An engrossed bill to be entitled an act to incorporate the Alabama, Florida, and Georgia Rail Road Company; was read a third time and passed; yeas 32, nays 3.

The yeas and nays being demanded, those who voted in the affirmative, are Messrs Ashe Arnold Barclay Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Lane Larkins McVay Moore Perkins Scott Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Bibb, Hogan and Nabors.

An engrossed bill to be entitled an act to provide for the improvement of the rivers, and making, clearing out and repairing the public roads of this State, was laid on the table.

And then the Senate adjourned until to-morrow morning, ten o'clock.

*Tuesday, December 2nd, 1834.*—The Senate met pursuant to adjournment.

Mr Wilkinson, from the committee on Roads, Bridges and Ferries, to whom was referred a resolution, instructing them to take into consideration the existing road laws, reported a bill to be entitled an act to repeal an act entitled an act to repeal in part and amend the law relating to an apportionment of the hands to work on public roads; which was read and ordered to a second reading on to-morrow.

Mr Hogan presented the report of the President of the Branch of the

Bank of the State of Alabama at Mobile; which was laid on the table and two hundred copies ordered to be printed.

An engrossed bill from the House of Representatives to be entitled an act to divorce Robert M. Richards from his wife Elizabeth H. Richards, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith and referred to the committee on divorce and alimony.

An engrossed bill to be entitled an act to divorce Cynthia Miles from her husband Aquilla Mills, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time and referred to the committee on divorce and alimony.

An engrossed bill to be entitled an act to change the time of holding the county courts of certain counties therein named; was read and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr Tunstall: Mr President.---The House of Representatives have read three several times and passed, bills of the following titles, to-wit: an act to divorce Cynthia Miles from her husband Aquilla Miles; an act to divorce Robert M. Richards from his wife Elizabeth H. Richards; an act to change the time of holding the county courts of certain counties therein named; in which they ask the concurrence of your honorable body. They have also adopted the following resolution: *Resolved*, That with the concurrence of the Senate, the two Houses will assemble in the representative hall on Friday next, at 12 o'clock, for the purpose of going into the election of Judges of the county courts for the counties of Henry, Tallapoosa, Conecuh, Dallas and Monroe. *Ordered*, That the resolutions lie upon the table until to-morrow.

An engrossed bill to be entitled an act to provide for drawing jurors to serve in the circuit courts of Dallas county; was read a third time and passed.

An engrossed bill to be entitled an act to repeal an act, passed January 14, 1834; was read a third time and passed the Senate.

Mr Nabors moved to reconsider the vote taken yesterday, on ordering a bill to be entitled an act to prohibit the circulation of certain bills and notes therein mentioned and for other purposes, to a third reading; which was lost; Yeas 13, nays 14.

Those who voted in the affirmative, are Messrs Boyd Brown Burke Chapman Irwin of H. Keener McVay Moore Morton Nabors Phillips Vining and Wallace.

Those who voted in the negative, are messrs Ashe Arnold Bibb Burrough Brodnax Erwin of G. Hemphill Hogan Johnson Lane Larkins Perkins Scott and Wilkinson.

An engrossed bill to be entitled an act to prohibit the circulation of certain bills and notes therein mentioned, and for other purposes, was referred to a special committee.

A bill to be entitled an act requiring county treasurers to make annual reports; was read a second time and referred to the judiciary committee.

A bill to be entitled an act to authorize the issuance of execution in certain cases was taken from the table and re-committed to the judiciary committee.

A bill to be entitled an act to attach a portion of the county of Pike to the county of Barbour, was read a second time and ordered to be engrossed for a third reading on to-morrow.

An engrossed bill to be entitled an act further to reduce the number of grand jurors in the county of Fayette; was read a second time and referred to a special committee, consisting of Messrs Nabors, Borough and Wallace.

Mr Lane introduced the following resolution: *Resolved*, That the Cashier of the Bank of the State of Alabama be requested to furnish the Senate

with the names of the individuals as payer and indorser of all notes upon which the names of the president and directors appear as indorsers and discounters in the branch bank at Mobile, which was rejected; yeas 10, noes 17.

The yeas and nays being called for, those who voted in the affirmative, are Messrs Chapman Hemphill Keener Lane McVay Fabors Perkins Phillips Scott and Wilkinson.

Those who voted in the negative, are messrs Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Erwin of G. Hogan Irwin of H. Johnson Larkins Moore Vining and Wallace.

Mr Lane offered the following resolution: *Resolved*, That the committee on privileges and elections to whom was referred the memorial of James Abercrombie Esq. have the power to send for persons and papers, and to examine witnesses under oath; which was adopted.

An engrossed bill to be entitled an act to amend a law therein named, was read a second time and referred to the committee on the judiciary.

An engrossed bill to be entitled an act to repeal an act entitled an act permanently to locate the seat of justice in Franklin county and for other purposes; was read a second time and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to compensate jurors in the county of Pickens; was read a second time and referred to the committee on the judiciary.

An engrossed bill to be entitled an act to authorize the establishment of two company beats in the county of Russell, with a less number than forty privates, was read a second and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to authorize and require the sheriff of Marion county to assess and collect the taxes of said county, was read a second time and referred to a special committee consisting of Messrs Hogan, Johnson and Wilkinson.

An engrossed bill to be entitled an act to abolish the special court for the trial of slaves for capital offences, composed of the judges of the county court and two magistrates and for other purposes; was read a second time and referred to the committee on the judiciary.

Mr Hogan, from the special committee to whom was referred a bill to be entitled an act to authorize and require the sheriff of Marion county to assess and collect the taxes of said county, reported the same with an amendment to the second section; which was concurred in, and the bill ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to give publicity to the opinions of the supreme court; was read a second time and referred to the committee on the judiciary.

An engrossed bill to be entitled an act to repeal in part and amend in part an act entitled an act to provide a fund for compensating the grand and petit jurors of the county of Marion, approved on the 16th of January 1834; was read a second time and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to authorize certain officers therein named, to keep their offices at Columbia in Henry county; was read a second time and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to repeal in part an act entitled an act making it the duty of commissioners of roads and revenue to select one quarter section of lands for the use of said counties; was read a second time and ordered to a third reading on to-morrow.

And then the Senate adjourned until to-morrow morning, ten o'clock.

*Wednesday, Dec. 3d, 1834.*—The Senate met pursuant to adjournment.

Mr McVay from the committee on accounts and claims, to whom was referred a bill to be entitled an act for the relief of D. C. Smith, executor of the estate of William Hobbs, deceased, reported the same without amendment; and the bill was ordered to be engrossed for a third reading on to-morrow.

An engrossed bill to be entitled an act to authorize a justice of the peace to appoint patrols; was read a second time and referred to the committee on the judiciary.

An engrossed bill to be entitled an act to provide for the payment of tales jurors in the county of Butler, was read a second and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to repeal an act entitled an act permanently to locate the seat of justice in Frahklín county and for other purposes, was laid on the table and made the special order of the day for Monday next.

A bill to be entitled an act for the relief of bail in certain cases, was read a second time and referred to the committee on the judiciary.

An engrossed bill to be entitled an act, authorizing the militia officers of Barbour county to establish two company beats with a less number than forty privates, was read a third time and passed.

An engrossed bill to be entitled an act to amend an act, passed the 16th December, 1833, to revive and continue in force, an act to incorporate the town of Selma in the county of Dallas, was read a second time and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act for the relief of James Harder, was read second time and ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to repeal the acts granting to John Fowler the right of running a steam ferry boat between the city of Mobile and the town of Blakely and for other purposes was read a second time and referred to a special committee consisting of Messrs Hemphill, Phillips and Hogan.

An engrossed bill to be entitled an act for the relief of Eliza W. Thompson, was read a second time, and ordered to a third reading on to-morrow.

The resolution from the House of Representatives proposing to go into the election on Friday next, at the hour of 12 o'clock, of judges of the county courts for the counties of Henry, Tallapoosa, Conecuh, Dallas and Monroe, was concurred in.

An engrossed bill to be entitled an act to attach a portion of the county of Pike to the county of Barbour; was read a third time and passed.

An engrossed bill to be entitled an act to repeal an act entitled an act to repeal in part and amend the law relating to the apportionment of hands to work on public roads, approved January 18, 1834, was ordered to be engrossed for a third reading on to-morrow.

An engrossed bill to be entitled an act authorising the establishment of two company beats in the county of Russell, with a less number than forty privates; was read a third time and passed.

An engrossed bill to be entitled an act to authorise and require the sheriff of Marion county to assess and collect the taxes of said county, was read a third time and passed. The title of said bill was amended by striking out the words 'Marion county,' and inserting in lieu thereof, the words 'certain counties therein named,' and by adding the letter 's' to the word 'sheriff.'

Mr Nabors, from the special committee to whom was referred, a bill to be entitled an act to appoint commissioners to superintend the building of a jail in Shelby county and for other purposes, reported an amendment thereto, by inserting after the name of James, the names of David Owen and Charles Mundine; which was carried, and the bill ordered to a third reading on to-morrow.

Mr Perkins, from the committee on the State capitol to whom was referred, a resolution instructing said committee to inquire into the expediency of authorising the commissioners of the State capitol, to furnish the Senate chamber and hall of the House of Representatives, with furniture and the necessary painting of the capitol, reported joint resolutions, authorising the commissioners of the State capitol, to procure additional furniture for the Senate chamber and House of Representatives and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Erwin of G. from the special committee to whom was referred, an engrossed bill, to be entitled an act to prohibit the circulation of certain bills and notes therein mentioned and for other purposes, reported an amendment thereto, by way of engrossed rider; which was concurred in and the bill passed. — Yeas 21, nays 6.

The yeas and nays being desired, those who voted in the affirmative, are messrs Ashe Arnold Bibb Borough Brodnax Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins Moore Perkins Phillips Scott Vining and Wilkinson.

Those who voted in the negative, are messrs Barclay Boyd Brown McVay Nabors and Wallace.

An engrossed bill to be entitled an act to repeal in part and amend in part an act, to provide a fund for compensating the grand and petit jurors of the county of Marion, approved on the 16th January, 1834; was read a third time and passed.

An engrossed bill to be entitled an act to change the time of holding the county courts in certain counties therein named, was read a second time and referred to a special committee, consisting of Messrs Keener. Barclay and Irwin of H., which committee reported the bill without amendment, and recommended its passage; whereupon, the bill was ordered to a third reading on to-morrow.

An engrossed bill to be entitled an act to authorise certain officers therein named, to keep their offices at Columbia, in the county of Henry, was read the third time and passed.

An engrossed bill to be entitled an act to repeal in part, an act entitled an act, making it the duty of the commissioners of roads and revenue to select one quarter section of land for the use of said counties; was read a third time and passed.

An engrossed bill to be entitled an act to attach a portion of the county of Pike to the county of Barbour; was read a third time and passed. — Yeas 27, nays 1.

The yeas and nays being desired, those who voted in the affirmative, are messrs Arnold Ashe Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane McVay Moore Morton Nabors Perkins Phillips Scott Vining Wallace and Wilkinson.

Mr Larkins voted in the negative.

A message from the House of Representatives by Mr Tunstall—Mr President: The House of Representatives have read three several times and passed, a bill which originated in the Senate, entitled an act for the relief of Thomas G. Tyus, late assessor and tax collector of Limestone county.—They concur in the resolution of the Senate, proposing to appoint a committee to examine the Comptroller's and Treasurer's offices, and have appointed Messrs Dent, Houston and Horton, on the part of the House of Representatives.

The Senate adjourned until to-morrow morning, 10 o'clock.

*Thursday December 4th, 1834.*—The Senate met pursuant to adjournment.

Mr Johnson presented the petition of sundry citizens, praying the legis-

lature to authorise John S. Brooks, to turnpike a certain road therein named; which was referred to the committee on roads, bridges and ferries.

Mr Johnson presented the petition of sundry citizens of Blount and Jackson counties, praying the general assembly to grant to Holoway Power, a charter for a certain road therein named; which was referred to the committee on roads, bridges and ferries.

Mr Hogan from the committee on the State Bank, to whom was referred, a resolution, instructing them to inquire into the propriety of amending the charters of the Bank of the State of Alabama, and its several branches, so as to vacate the seat of any President or Director, who may become bankrupt, and unable to pay his notes due in said Bank, reported a bill, to be entitled an act to vacate the seat of any President or Director in the Bank of the State of Alabama or any Branch Bank thereof; which was read and ordered to a second reading on to-morrow.

Mr Irwin of H. moved to reconsider the vote of yesterday, concurring in the resolution of the House of Representatives, proposing to go into the election, on Friday next, at 12 o'clock, of judges of the county courts, for the counties of Henry, Tallapoosa, Dallas, Conecuh and Monroe; which was carried. Mr Irwin of H. moved to strike from the resolution, the word 'Henry;' which was carried. And the resolution was adopted.

An engrossed bill to be entitled an act, to appoint commissioners to superintend the building a jail and repairing the court house in the town of Columbiana, Shelby county, and to authorise the judge and commissioners of revenue and roads of said county, to levy a special tax for that purpose; was read a third time and passed.

An engrossed bill to be entitled an act, to change the time of holding the county courts in certain counties therein named; was read a third time and passed.

A message from the House of Representatives by Mr Tunstall—Mr President: The House of Representatives, have read three several times and passed a bill of the following title, viz: an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company, and have amended the same by the addition of sundry provisos. In which they ask the concurrence of the Senate. They have also adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall, on Saturday next, at 10 o'clock, for the purpose of electing a President and twelve Directors, of the Branch Bank at Montgomery, and also a President and twelve Directors of the Branch Bank at Decatur.

An engrossed bill to be entitled an act for the relief of Eliza W. Thompson; was read a third time and passed.

An engrossed bill to be entitled an act to amend an act, passed on the 16th December, 1833, to revive and continue in force, an act to incorporate the town of Selma, in the county of Dallas; was read a third time and passed.

On motion, the Senate concurred in the amendments made by the House of Representatives, to the bill to be entitled an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road.

On motion, the Senate concurred in the resolution of the House of Representatives, proposing to go into the election, on Saturday next, of a President and twelve Directors of the branch of the Bank, at Montgomery, and a President and twelve Directors of the Branch Bank, at Decatur.

Mr Hemphill, from the special committee to whom was referred, an engrossed bill to be entitled an act, to repeal the acts granting to John Fowler, the right of running a steam ferry boat, between the city of Mobile and the



town of Blakely and for other purposes, reported the same without amendment, and the bill was read a third time and passed.

An engrossed bill to be entitled an act for the relief of James Harder; was read a third time and passed.

An engrossed bill to be entitled an act to provide for the payment of tales jurors in the county of Butler; was read a third time and passed.

Joint resolutions, authorising the commissioners of the State capitol, to procure additional furniture for the Senate chamber and House of Representatives, and for other purposes, was referred to the committee on the State capitol, with instructions to report the probable cost of the furniture.

An engrossed bill to be entitled an act, to repeal an act, entitled an act to repeal in part and amend the law, relating to the apportionment of hands to work on public roads, approved January 18th, 1834, was referred to the committee on roads, bridges and ferries.

An engrossed bill to be entitled an act for the relief of D. C. Smith, executor of the last will and testament of Wm. Hobbs, deceased, was read a third time and passed.

Mr Ashe offered the following resolution, *Resolved*, that a select committee be appointed to inquire into the propriety and expediency of memorializing the Congress of the United States, for a grant of land to be sold, and the proceeds appropriated to the improvement of the navigation of the Coosa river; which was adopted; and Messrs Ashe, Erwin of G. and Chapman, were appointed said committee.

On motion of Mr Vining, a bill to be entitled an act to establish a branch of the Bank of the State of Alabama, at ——— was taken from the table, and placed among the orders of the day.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

*Friday, December 5th, 1834.*—The Senate met pursuant to adjournment.

Mr Vining presented the memorial of sundry citizens of Madison and Jackson counties, praying that a Bank be established at Huntsville; which was laid on the table.

Mr Phillips presented the memorial of the citizens of Dallas county, praying that a Bank be established at Selma; which was laid on the table.

Mr Vining, from the committee on enrolled bills, reported as correctly enrolled, an act for the relief of Thomas G. Tyus, late assessor and tax collector of Limestone county.

Mr Phillips introduced a bill to be entitled an act, to amend the act to incorporate the Cahawba Academy, in the county of Dallas, passed January 10th, 1831; which was read a first time and ordered to a second reading on to-morrow.

Mr Walthall moved to take from the table, the bill to be entitled an act, to change the time of convening the general assembly of the State of Alabama, and limiting the session thereof; which was carried. Mr Brown moved to amend the bill by striking out the word 'December,' and inserting 'November' in lieu thereof; which motion was lost.—Yeas 9, nays 17.

The yeas and nays being desired, those who voted in the affirmative, are messrs Arnold Boyd Brodnax Brown Lane McVay Moore Wallace and Wilkinson.

Those who voted in the negative are messrs President Ashe Barclay Bibb Borough Burke Chapman Hemphill Irwin of H. Keener Larkins Nabors Perkins Phillips Scott Vining and Walthall.

*Ordered*, that the bill be engrossed for a third reading on to-morrow.

A message from the House of Representatives by Mr Tunstall—Mr President: The House of Representatives concur in the amendment made by the Senate, to the resolution, proposing to go into the election of county court judges.

Mr Burke introduced a bill, to entitled an act to authorise the summoning of additional jurors in the county of Wilcox; which was read a first time and ordered to a second reading on to-morrow.

Mr Phillips introduced a bill to be entitled an act to amend the several acts of incorporation of the town of Cahawba; which was read a first time and ordered to a second reading on to-morrow.

Mr Burke offered the following resolution: *Resolved*, that the committee on internal improvement and inland navigation, be instructed to inquire into the expediency of appropriating the sum of one hundred thousand dollars of the three per cent fund, in stock of the Daletown, Woodville and Greensborough rail road, and that said committee report by bill or otherwise; which was laid on the table.

A bill to be entitled an act to vacate the seat of any President or Director of the Bank of the State of Alabama, or any branch Bank thereof, was read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr Lane introduced a bill to be entitled an act to abolish the several militia laws now in force in this State; which was read and ordered to a second reading on to-morrow.

A bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ———, was referred to the committee on the State Bank.

On motion of Mr Vining, the memorial of sundry citizens of Madison and Jackson counties, praying the establishment of a Bank at Huntsville, and the memorial of sundry citizens of Dallas county; praying the establishment of a Bank at Selma, were referred to the committee on the State Bank.

Mr Wallace from the special committee to whom was referred an engrossed bill to be entitled an act, further to reduce the number of grand jurors in the county of Fayette, reported the same with sundry amendments; all of which were severally concurred in, and the bill ordered to a third reading on to-morrow.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a resolution, instructing them to inquire into and report what oaths of office the judges of the supreme court are required by existing laws to take and subscribe, and whether any addition to said oaths is necessary, to insure a faithful, impartial and speedy trial of the several causes in said court, and to report by bill or otherwise; reported, that by the Constitution of the State, all officers, executive and judicial, including of course, the judges of the supreme court, before they enter on the execution of their respective offices, are required to take an oath or affirmation, to support the Constitution of the United States, and the Constitution of the State of Alabama, so long as they continue citizens thereof, and faithfully to discharge, to the best of their abilities, the duties of their offices, according to law. This oath, by an act of the general assembly, may be administered by any judge or justice of the peace, who is required to cause a record or certificate to be made thereof, specifying the day and year the same was taken, and to deposit such record or certificate, with the clerk of the circuit court of the county in which the same shall have been taken. Besides the oath which the Constitution requires to be taken, all officers are, before they enter on the discharge or execution of their duties, required to take and subscribe before a judge or justice of the peace, an oath against duelling, which oath must also be filed in the office of the clerk of the circuit court of the county in which it shall have been taken. These are all the oaths the judges of the supreme court are required to take or subscribe, and in the

opinion of the committee, they are amply sufficient to secure a diligent and correct discharge of duty on the part of those officers, so far as the taking of oaths can procure that effect. The committee do not believe that there is any necessity for any addition to said oaths, nor that any addition would cause a more speedy or impartial trial of causes in the supreme court. The great object to be obtained in requiring oaths to be taken by public officers, is to reach their consciences, and to make the correct and faithful performance of their duties depend upon the solemn sanction which it imposes ; and the committee feel convinced, that the judge whose conscience cannot be reached by the oaths now required to be taken, would be totally past the power and influence, which any additional oath might be designed to exert, and that it would be useless and idle to prescribe them. In all which they respectfully ask the concurrence of the Senate. On motion, the report was concurred in.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act to amend a law therein named, reported the same without amendment, and the bill was read a third time and passed.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act requiring treasurers to make annual reports, reported that it would be inexpedient to pass the bill, ample provision being already made by law, in relation to the principal object of the bill, and the remainder requiring no legislative interposition or interference ; in which the Senate concurred.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of authorising justices of the peace, to cause a jury to be empannelled to try causes of assault and battery, reported that it would be inexpedient to permit or authorise justices of the peace to try causes of assault and battery, and to have juries empannelled for that purpose ; which report was laid on the table.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act to compensate jurors in the county of Pickens, reported the same without amendment, and the bill was read a third time and passed.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act to give publicity to the opinions of the supreme court, reported an amendment thereto by way of proviso, to come in at the end of the first section, which was concurred in, and the bill read a third time and passed.

Mr Barclay from the committee on State printing, to whom was referred a resolution instructing them to inquire into the expediency of so amending the existing law as to authorise the State printer to take copies from the journals of both Houses during the session, and to afford him such compensation as would be reasonable, reported a bill to be entitled an act to facilitate the printing of the journals of each House and for other purposes ; which was read a first time and ordered to a second reading on to-morrow.

The Senate adjourned one half of an hour.

The half hour having expired, Mr President took the Chair.

A message from the House of Representatives by Mr Tunstall : Mr President—The House of Representatives have adopted the following resolution ; *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them to go into the election of judges of the county courts of Tallapoosa, Conecuh, Dallas and Monroe.

The Senate having repaired to the Hall of the House of Representatives,

the two Houses proceeded to the election of a judge of the county court of Dallas. George R. Evans being in nomination.

Those who voted for Mr Evans, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins McVay Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. Lane Lee Lewis Loyd Massey May McAlpin McCarty jr. McCord McHenry McLemore Miree Mundy Murphy Owen Patton Porter Pratt Rains Rather Richardson Roberts Robertson Rodgers Sallee Sanders Scott Seabury Seargent Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. Young of L. of the House of Representatives.

Mr Evans having received a majority of the whole number of votes given, Mr Speaker declared him duly elected judge of the county court of Dallas.

The two Houses then proceeded to the election of a judge of the county court of Monroe. John J. Roach being in nomination.

Those who voted for Mr Roach, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins McVay Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. Lane Lee Lewis Loyd Massey May McAlpin McCarty jr. McCord McHenry McLemore Miree Mundy Murphy Owen Patton Phelan Porter Pratt Rains Rather Richardson Roberts Robertson Rodgers Sallee Sanders Scott Seabury Seargent Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Mr Roach having received a majority of the whole number of votes, Mr Speaker declared him duly elected judge of the county court of Monroe.

The two Houses then proceeded to the election of a judge of the county court of Conceh. James H. Hawkins being in nomination.

Those who voted for Mr Hawkins, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Hemphill Hogan Johnson Keener Larkins McVay Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. Lane Lee Lewis Loyd Massey May McAlpin McCarty jr. McCord McHenry McLemore Miree Mundy Murphy Patton Phelan Porter Pratt Rains Rother Richardson Roberts Robertson Rodger Sallee Sanders Scott Seabury Seargent Shields Shortridge Sims Simmons Snodgrass Sossamas Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. Young of L. of the House of Representatives.

James H. Hawkins having received a majority of the whole number of votes given, Mr Speaker declared him duly elected judge of the county court of Conceh.

The two Houses then proceeded to the election of a judge of the county court of Tallapoosa county. John Bryant being in nomination.

Those who voted for Mr Bryant, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. Lane Lee Lewis Loyd Massey May McAlpin McCarty jr. McCord McHenry McLemore Miree Mundy Murphy Oliver Owen Patton Phelan Porter Pratt Rains Rather Richardson Roberts Robertson Rodgers Sallee Sanders Scott Seabury Seargent Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

John Bryant having received a majority of the whole number of votes, Mr Speaker declared him duly elected judge of the county court of Tallapoosa county.

The election being completed, the Senate withdrew, repaired to their own chamber and adjourned until to-morrow morning, 9 o'clock.

*Saturday, December 6th, 1834.*—Senate met pursuant to adjournment.

Mr Walthall from the committee on roads, bridges and ferries, to whom was referred, a bill to be entitled an act to repeal an act, entitled an act to repeal in part and amend the law relating to the apportionment of hands to work on public roads, approved January 18th, 1834, reported the same with an amendment, by an additional section; which was concurred in.—The bill read third time and passed.

Mr Phillips, from the special committee to whom was referred, the petition of Thomas Smith, a free man of color, and of sundry citizens, praying the passage of a law to emancipate said Smith's wife and children, reported that it is unnecessary to legislate upon the subject, as the existing laws will amply meet the prayer of the petitioners.

A message from the House of Representatives by Mr Frierson—Mr President: The House of Representatives have read three several times and passed a bill to be entitled an act to incorporate the Florence and Waterloo rail road company. In which they ask the concurrence of your honorable body.

An engrossed bill to be entitled an act to incorporate the Florence and Waterloo rail road company, was read a first time and ordered to a second reading on Monday next.

A bill to be entitled an act to facilitate the printing of the journals of each House and for other purposes; was read second time and ordered to be grossed for third reading on Monday next.

An engrossed bill to be entitled an act further to reduce the number of grand jurors in the county of Fayette; was read a third time and passed.

A bill to be entitled an act to amend the act to incorporate the Cahawba Academy, in the county of Dallas, passed January 10th, 1831; was read 2d time and ordered to be engrossed for third reading on Monday next.

An engrossed bill to be entitled an act to change the time of convening the Legislature of the State of Alabama, and to limit the sessions thereof, was read a third time, and on motion of Mr Erwin of G. referred to a select committee, consisting of Messrs Erwin of G. Walthall and Wilkinson.—Yeas 22, nays 6.

The yeas and nays being desired, those who voted in the affirmative, are messrs President Ashe Arnold Barclay Borough Boyd Brown Erwin of G. Hemphill Hogan Irwin of H. Johnson Lane Larkins McVay Moore Nabors Perkins Phillips Vining Wallace and Wilkinson.

Those who voted in the negative, are messrs Bibb Brodnax Burke Keener Scott and Walthall.

A message from the House of Representatives by Mr Tunstall—Mr President: I am instructed to return to your honorable body, a bill to be entitled an act to appoint commissioners to superintend the building a jail and repairing the court house in the town of Columbiana, Shelby county, and to authorise the judge and commissioners of revenue and roads of said county, to levy a special tax for that purpose, which seems to have been amended by the Senate, but which is not noticed in the message accompanying said bill to the House of Representatives. *Ordered*, that the secretary return said bill to the House of Representatives, and inform them that the Senate have amended the same.

A message from the House of Representatives by Mr Frierson—Mr President: The House of Representatives have adopted the following resolution: *Resolved*, that the Senate be informed, that the House is now prepared to receive them, for the purpose of going into the election of a President and twelve Directors for the Branch Banks at Montgomery and Decatur.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to the election of a President of the Branch

Bank at Montgomery. Joseph H. Bradford and John Gindrat being in nomination.

Those who voted for Mr Bradford, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hogan Johnson Larkins McVay, Moore Nabors Perkins Vining Wallace and Wilkinson of the Senate.—messrs Speaker Armbrister Cantley Carmack Clark Coffey Curtis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Jones of J. Jones of T. King Lane Lewis Loyd Massey May McCord McCarty McKinney McLemore Murphy Owen Patton Rains Richardson Rodgers Sanders Scott Shields Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Womack Wooldridge and Young of J.

Those who voted for Mr Gindrat, are messrs Brodnax Hemphill Irwin of H. Keener Lane Morton Phillips Scott and Walthall of the Senate.—messrs Barron Bagby Bowin Burt Calhoun Clough Cottrell Davis Greer Henderson Hollis Horton Houston Jackson Johnson Lee Miree Mundy Oliver Pegues Phelan Porter Pratt Rather Roberts Robinson Sallee Seabury Sargent Simmons Ward Williams Wynn and Young of L.

Mr Bradford having received a majority of votes, Mr Speaker declared him elected President of the Branch of the Bank at Montgomery, for the next ensuing twelve months.

The two Houses then proceeded to the election of twelve directors of the branch bank at Montgomery. Bushrod W. Bell, William Chisholm, Charles Cromline, Thomas W. Fleming, John Goldthwaite, Edward Hanrick, Hugh W. Henry, Samuel D. Holt, William Knox, Charles S. Lucas, H. P. Lee, John Martin, Charles T. Pollard, George Ragg, Todd Robertson, Jr. Addison H. Sample, Alfred V. Scott, John H. Stone, James Vickers, Justice Wyman, George Whitman, ——— Sayer, and Mr Mc Gehee being in nomination.

Those who voted for Mr Bell are messrs Brodnax Hemphill Irwin of H. Keener Lane Morton Scott Wallace and Walthall of the Senate.—messrs Bagby Bowin Burt Carmack Clough Cottrell Davis Frierson Greer Henderson Hollis Horton Houston Johnson Lee Miree Mundy Oliver Owen Pegues Rather Roberts, Robertson Sallee Seabury Sargent Stone Wallis Williams Womack and Wynn.

Those who voted for Mr Chisholm, are messrs President Ashe Arnold Barclay Bibb Borough Brown Burke Chapman Erwin of G. Hogan, Johnson Larkins McVay Nabors Perkins Phillips, Vining Wallace and Wilkinson of the Senate.—messrs Speaker Bagby Calhoun Curtis Dent Dubose Evans Frierson Gayle Gilbreath Gilmer Glascock Hill Horton Johnson Jones of J. May McCarty McHenry McLemore Patton Phelan Pratt Rains Richardson Rodgers Sanders Sargeant Shields Shortridge Sims Simmons Sossaman Sterrett Stone Tate Taylor Thompson Walker Ward Warren Womack Wooldridge Young of J. Young of L.

Those who voted for Mr Cromlin, are messrs Brodnax Hemphill Irwin of H. Keener Lane Morton Scott Wallace and Walthall of the Senate.—messrs Barron Bowin Burt Calhoun Coffey Cottrell Davis Greer Henderson Hollis Horton Jackson Massey Miree Mundy Oliver Pegues Roberts Sallee Seabury and Williams.

Those who voted for Mr Fleming, are messrs Ashe Arnold Barclay Bibb Borough Boyd Burke Chapman Erwin of G. Hogan Johnson, Larkins Moore Nabors Perkins Vining and Wilkinson of the Senate.—messrs Speaker Ambrister Bagby Cantley Carmack Clark Curtis Dent Dubose Frierson Farrar Fleming Gayle Glascock Gilbreath Gilmer Hill Houston Johnson Jones of J. Jones of T. King Lane Lewis Massey May McCarty McCord McHenry McLemore Murphy Owen Patton Phelan Pratt Rains Rather Richardson Rodgers Sanders Seabury Sargent Shields Shortridge Sims Snodgrass Sossaman Sterrett Tate Taylor Thompson Walker Wallis Warren Womack Wooldridge Wynn Young of J. and Young of L.

Those who voted for Mr Goldthwaite, are Messrs President Ashe Arnold Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate : Messrs Speaker Armbrister Barron Bagby Burt Calhoun Cantley Carmack Clark Clough Cottrell Curtis Davis Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Johnson Jones of J. Jones of T. King Lane Lewis Massey May McCarty Jr. McCord McHenry McLemore Miree Mundy Murphy Oliver Patton Pegues Phelan Pratt Rains Rather Richardson Roberts Rodgers Sallee Sanders Seabury Shields Shortridge Sims Simmons Sossamon Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Hanrick, are Messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Johnson Larkins McVay Moore Nabors Perkins and Vining of the Senate : Messrs Armbrister Cantley Carmack Clark Curtis Dent Dubose Evans Frierson Gayle Gilbreath Gilmer Glascock Houston Jones of J. Jones of T. King Lane Lewis Massey May McCarty Jr. McHenry McLemore Owen Patton Phelan Pratt Rains Richardson Rodgers Sargent Shields Shortridge Snodgrass Sossamon Sterrett Tate Taylor Thompson Walker Warren Womack Wooldridge and Young of L. of the House of Representatives.

Those who voted for Mr Henry, are Messrs President Ashe Arnold Barclay Bibb



Borough Boyd Brown Burke Erwin of G. Hogan Larkins McVay Moore Nabors Perkins Vining and Wilkinson of the Senate; Messrs Speaker Armbrister Cantley Carmack Clark Curtis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Johnson Jones of J. Jones of T. King Lane Lewis May McCarty Jr. McCord McHenry McLemore Murphy Patton Phelan Pratt Rains Richardson Rodgers Shields Shortridge Sims Snodgrass Sossamon Sterrett Tate Taylor Thompson Walker Wallis Ward Warren Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Holt, are Messrs President Brodnax Hemphill Irwin of H. Keener Lane Morton Phillips Scott and Walthall of the Senate; Messrs Barron Bowin Burt Calhoun Clough Cottrell Davis Fleming Greer Henderson Hollis Horton Houston Jackson Lea Miree Mundy Oliver Owen Pegues Rather Roberts Robertson Sallee Seabury Simmons and Williams of the House of Representatives.

Those who voted for Mr Knox, are Messrs Arnold Brodnax Chapman Hemphill Irwin of H. Johnson Keener Lane Moore Morton Nabors Phillips Scott Wallace and Walthall of the Senate; Messrs Armbrister Barron Bowin Burt Calhoun Cantley Carmack Cottrell Davis Evans Farrar Fleming Gayle Gilbreath Glascock Greer Henderson Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. King Lea Lewis Massey McCord Miree Mundy Murphy Oliver Owen Pegues Phelan Pratt Rather Roberts Robertson Sallee Sanders Seabury Simmons Snodgrass Ward Williams Womack Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Lucas, are Messrs President Bibb Borough Boyd Brodnax Brown Burke Hemphill Irwin of H. Johnson Keener Lane Larkins Perkins Phillips Scott Wallace Walthall and Wilkinson of the Senate; Messrs Speaker Barron Bowin Calhoun Clark Clough Coffey Cottrell Davis Dubose Gilmer Greer Henderson Hollis Horton Jackson King Lane Lea May McCarty jr. McLemore Miree Mundy Oliver Patton Pegues Raines Richardson Roberts Robertson Rogers Sallee Sanders Seabury Sargent Simmons Snodgrass Sossaman Stone Tate Wallis Williams Womack Wooldridge and Young of L. of the House of Representatives.

Those who voted for Mr Lee, are Messrs Brodnax Hemphill Keener Lane Morton Phillips Scott and Walthall of the Senate; Messrs Barron Bowin Burt Calhoun Clough Coffey Cottrell Davis Greer Henderson Hollis Horton Jackson Lane Lee Lewis Miree Mundy Oliver Pegues Roberts Robertson Sallee Sims Stone Williams and Wynn of the House of Representatives.

Those who voted for Mr Martin, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson Larkins McVay Moore Nabors Perkins Scott and Wilkinson of the Senate; Messrs Speaker Armbrister Bagby Burt Cantley Carmack Clark Clough Coffey Curtis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Houston Johnson Jones of J. Jones of T. King Lane Lewis Massey May McCarty Jr. McCord McHenry McLemore Murphy Owen Patton Phelan Pratt Raines Rather Richardson Robertson Rodgers Sanders Seabury Sargent Shields Shortridge Sims Simmons Snodgrass Sossamon Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Pollard, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Morton Perkins Phillips Scott Vining Wallace Walthall and Wilkinson of the Senate; Messrs Speaker Armbrister Barron Bagby Burt Calhoun Cantley Carmack Clark Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones J. Jones of T. King Lane Lea Lewis May McCarty Jr. McCord McHenry McLemore Miree Mundy Murphy Oliver Owen Patton Pegues Pratt Raines Rather Richardson Roberts Robertson Rodgers Sallee Sanders Seabury Sargent Shields Sims Simmons Sossamon Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Ragg, are Messrs Brodnax Hemphill Irwin of H. Keener Lane Morton Phillips Scott Wallace and Walthall of the Senate; Messrs Barron Bowin Burt Calhoun Clough Coffey Cottrell Davis Farrar Greer Henderson Hollis Horton Houston Jackson Lea Miree Mundy Oliver Owen Pegues Rather Roberts Robertson Sallee Seabury Simmons and Williams of the House of Representatives.

Those who voted for Mr Robinson, are Messrs Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Scott Wallace and Walthall of the Senate; Messrs Bagby Bowin Burt Cantley Clough Coffey Cottrell Davis Evans Greer Hollis Horton Jackson Lee Mundy Oliver Pegues Rains Roberts Robertson Sallee Seargent Shields Simmons Snodgrass and Williams, of the House of Representatives.

Those who voted for Mr Sample, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson Larkins McVay Moore Nabors Perkins Phillips Vining Wallace and Wilkinson, of the Senate; Messrs Armbrister Bagby Cantley Carmack Clark Clough Coffey Curtis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Houston Jackson Johnson Jones of J. Jones of T. King Lewis Massey McCarty jr. McCord McHenry McLemore Murphy Owen Patton Phelan Rains Rather Richardson Rodgers Seargent Shields Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Wooldridge Wynn and Young of J. of the House of Representatives.

Those who voted for Mr Scott, are Messrs President Arnold Barclay Boyd Brodnax Brown Chapman Hemphill Hogan Irwin of H. Keener Lane McVay Morton Nabors Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; messrs Speaker Armbrister Bowin Burt Calhoun Curtis Clark Clough Coffey Cottrell Evans

Davis Dent Farrar Fleming Glascock Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. King Lane Lee Lewis Massey McCord McHenry Miree Mundy Murphy Oliver Owen Pegues Phelan Pratt Rains Rather Roberts Robertson Sallee Sanders Seabury Sargent Shortridge Sims Simmons Snodgrass Sterrett Stone Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr. Stone, are messrs Ashe Barclay Boyd Brodnax Brown Chapman Erwin of G. Hemphill Hogan Irwin of H. Keener Lane McVay Moore Morton Nabors Perkins Scott Vining Wallace and Walthall, of the Senate; messrs Speaker Armbrister Bowin Burt Calhoun Carmack Clark Clough Coffee Cottrell Davis Dent Dubose Farrar Fleming Gilbreath Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones of J. Lane Lee Massey McCord Miree Mundy Murphy Oliver Owen Pegues Phelan Pratt Rather Roberts Robertson Sallee Sanders Seabury Sargent Shortridge Simmons Snodgrass Stone Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr. Vickers, are messrs Ashe Barclay Bibb Borough Burke Chapman Erwin of G. Hogan Johnson Larkins McVay Moore Nabors Perkins and Wilkinson, of the Senate; messrs Speaker Calhoun Cantley Carmack Curtis Dent Dubose Frierson Gayle Gilmer Hill Johnson Jones of T. King Lane Massey May McCarty jr. McCord McHenry McLemore Murphy Patton Richardson Rodgers Sanders Sargent Shields Shortridge Sims Simmons Sossaman Sterrett Tate Taylor Thompson Ward Warren Womack Wooldridge and Young of L. of the House of Representatives.

Those who voted for Mr. Wyman, are messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Larkins McVay Moore Perkins Vining and Wilkinson, of the Senate; messrs Speaker Armbrister Cantley Carmack Clark Coffey Curtis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Henderson Hill Houston Johnson Jones of J. Jones of T. King Lane Lewis Massey May McCarty jr. McCord McHenry McLemore Murphy Owen Patton Phelan Pratt Rains Rather Richardson Rodgers Sanders Shields Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Wooldridge Wynn and Young of J. of the House of Representatives.

Those who voted for Mr. Whitman, are messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hogan Johnson Larkins McVay Moore Nabors Vining and Wilkinson, of the Senate; messrs Speaker Armbrister Barron Bowin Cantley Carmack Clark Coffey Curtis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Jones of T. King Lewis Massey May McCarty jr. McCord McHenry McLemore Murphy Patton Phelan Pratt Richardson Robertson Rodgers Sanders Shields Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr. Sayer, are messrs President and Phillips, of the Senate; messrs Barron Bagby Bowin Coffey and Miree, of the House of Representatives.

Those who voted for Mr. McGehee, are Mr. Phillips, of the Senate.

Messrs Fleming, Goldthwaite, Henry, Knox, Martin, Pollard, Sample, Scott, Stone, Wyman and Whitman, having received the highest number of votes, Mr. Speaker therefore, declared them duly elected Directors of the Branch of the Bank of the State of Alabama, at Montgomery.

The two Houses then proceeded to the election of one other Director. — Wm. Chisholm and Charles S. Lucas, being in nomination.

Those who voted for Mr. Chisholm, are messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hogan Johnson Larkins McVay Moore Nabors Perkins Phillips Vining Wallace and Wilkinson, of the Senate; messrs Speaker Armbrister Barron Bagby Calhoun Cantley Carmack Clark Curtis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Houston Johnson Jones of J. Jones of T. Lane Lewis Loyd Massey May McCarty jr. McCord McHenry McLemore Murphy Owen Patton Phelan Pratt Rains Richardson Rodgers Scott Sargent Shields Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Warren Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr. Lucas, are messrs Brodnax Hemphill Irwin of H. Keener Lane Scott and Walthall, of the Senate; messrs Bowin Burt Clough Coffee Cottrell Davis Greer Henderson Hollis Horton Jackson Lee Miree Mundy Oliver Pegues

Rather Robertson Sallee Sanders Seabury Simmons and Womack, of the House of Representatives.

Mr Chisholm having received a majority of the whole number of votes, Mr Speaker declared him duly elected a Bank Director of the Branch Bank at Montgomery.

The two Houses then proceeded to the election of a President of the Branch Bank at Decatur. G. W. Higgins and H. Greene, being in nomination.

Those who voted for Mr Higgins, are Messrs Ashe Arnold Barclay Borough Boyd Brown Erwin of G. Hogan Johnson Larkins Moore Nabors, of the Senate; Messrs Armbrister Cantley Clark Clough Coffey Curtis Davis Dent Evans Farrar Frierson Gayle Gilbreath Glascock Hill Jones of J. Jones of T. Lewis Loyd Massey May McCarty McCord McHenry McLemore Murphy Patton Phelan Pratt Rains Scott Sargent Shields Shortridge Sims Snodgrass Sossaman Sterrett Tate Thompson Walker Warren Wooldridge Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Greene, are Messrs President Bibb Brodnax Burke Chapman Hemphill Irwin of H. Keener Lane McVay Perkins Phillips Scott Vining Wallace Walthall and Wilkinson of the Senate; Messrs Speaker Barron Bagby Bowin Burt Calhoun Carmack Cottrell Dubose Fleming Gilmer Greer Henderson Hollis Horton Houston Jackson Johnson Lane Lee Miree Mundy Owen Rather Richardson Robertson Rodgers Sallee Sanders Seabury Simmons Stone Taylor Wallis Ward Williams Womack and Wynn, of the House of Representatives.

Mr Higgins having received a majority of the whole number of votes, Mr Speaker declared him duly elected President of the Branch Bank at Decatur.

The two Houses then proceeded to the election of twelve Directors for the Branch Bank at Decatur. James Fennell, Jesse W. Garth, W. C. Houston, H. W. Rhodes, Thomas A. Strain, Elbert H. Thompson, James T. Sykes, H. Greene, James Trotter, ——— Bush, J. W. Thomas, John W. Swoope, A. R. Barclay, G. B. H. Harrison, A. S. Christian, Wm. S. Mayfield, Robert A. Hye, Wm. S. Gamble and James T. Kimble, being in nomination.

Those who voted for Mr Barclay, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hogan Johnson Larkins McVay Moore Nabors Perkins Phillips Vining Wallace and Wilkinson, of the Senate; Mr Speaker Armbrister Bagby Bowin Cantley Carmack Coffey Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Henderson Horton Houston Jackson Johnson Jones of J. King Lewis Loyd Massey May McCord McHenry McLemore Murphy Patton Phelan Pratt Rains Richardson Sanders Seabury Seargent Shields Shortridge Sims Simmons Snodgrass Sossaman Stone Tate Taylor Thompson Walker Warren Wooldridge and Young of J. of the House of Representatives.

Those who voted Mr Bush, are Messrs Arnold Barclay Bibb Brodnax Brown Chapman Hemphill Hogan Johnson Larkins McVay Moore Nabors Perkins and Vining of the Senate; Messrs Speaker Armbrister Barron Bowin Burt Cantley Clough Coffey Cottrell Davis Dent Evans Farrar Frierson Gayle Gilbreath Gilmer Glascock Henderson Hill Jackson Jones of J. King Lee Lewis Loyd May McCarty McHenry McLemore Murphy Patton Pratt Robertson Sargent Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Womack Wynn Young of J and Young of L. of the House of Representatives.

Those who voted for Mr Christian, are Messrs Ashe Arnold Borough Boyd Brodnax Erwin of G. Hemphill Irwin of H. Johnson Keener Moore McVay Nabors Phillips Vining Walthall and Wilkinson of the Senate; Messrs Barron Bowin Burt Carmack Clough Coffey Cottrell Davis Dent Dubose Evans Fleming Frierson Gayle Gilmer Glascock Hill Horton Jackson Jones of J. Lewis Loyd Massey May McCarty jr. McHenry McLemore Owen Patton Phelan Pratt Rather Richardson Roberts Rodgers Sanders Seabury Sargent Shields Shortridge Sims Snodgrass Sterrett Stone Tate Taylor Thompson Walker Wallis Warren Williams and Wooldridge, of the House of Representatives.

Those who voted for Mr Fennell, are, Messrs President Ashe Barclay Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Lane Larkins Perkins Phillips Scott and Wilkinson, of the Senate; Messrs Barron Bowin Burt Calhoun Cantley Carmack Clough Cottrell Farrar Fleming Gilbreath

Gilmer Glascock Hill Horton Houston Jackson Johnson King Lane Lee Loyd Massey May McCarty jr. McCord McHenry McLemore Miree Murphy Oliver Owen Patton Pegues Rather Richardson Roberts Rodgers Sanders Seabury Shields Sims Simmons Sossaman Sterrett Taylor Wallis Warren Williams and Wooldridge, of the House of Representatives.

Those who voted for Mr Garth, are Messrs President Ashe Arnold Barclay Borough Boyd Brown Burke Erwin of G. Hogan Irwin of H. Lane Larkins Moore Nabors Phillips Scott Vining and Walthall of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Carmack Clough Coffey Cottrell Davis Evans Farrar Fleming Frierson Gilmer Gilbreath Glascock Henderson Hill Horton Houston Johnson Jones of J. King Lane Lee Lewis Loyd Massey May McCord McHenry McLemore Miree Murphy Oliver Patton Pegues Phelan Pratt Rains Rather Richardson Robertson Rodgers Seabury Seargent Shields Sterrett Taylor Thompson Walker Wallis Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Greene, are Mr President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Perkins Phillips Scott Vining Wallace Walthall and Wilkinson of the Senate; Messrs Speaker Armbrister Barron Bagby Burt Calhoun Cantley Carmack Coffey Dent Dubose Farrar Fleming Gayle Gilbreath Glascock Henderson Hill Hollis Houston Jackson Johnson Jones of J. King Lane Lee Lewis May McCarty jr. McLemore Miree Murphy Oliver Owen Phelan Pratt Rains Rather Richardson Rodgers Sanders Seabury Seargent Shields Shortridge Simmons Sterrett Stone Tate Taylor Thompson Walker Wallis Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Gamble, are Messrs President Barclay Bibb Borough Burke Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane McVay Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Armbrister Barron Bagby Bowin Burt Calhoun Cantley Carmack Clough Coffey Cottrell Davis Dent Dubose Evans Farrar Frierson Gilmer Henderson Hill Houston Johnson Jones of J. Lewis Massey May McCarty jr. McLemore Miree Oliver Owen Pegues Rains Richardson Robertson Rodgers Sanders Seargent Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Warren Williams Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Houston, are Messrs President Ashe Arnold Borough Boyd Brodnax Brown Chapman Erwin of G. Hemphill Irwin of H. Johnson Keener Larkins McVay Moore Wallace and Wilkinson, of the Senate; Messrs Speaker Barron Bagby Bowin Calhoun Cantley Carmack Davis Dent Dubose Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Henderson Hill Hollis Horton Houston Jackson Johnson Lane Lee Lewis Loyd Massey McCarty McCord McHenry McLemore Murphy Oliver Owen Patton Pegues Phelan Pratt Rains Rather Robertson Seabury Shields Shortridge Simmons Sossaman Sterrett Taylor Thompson Walker Warren Womack Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Harrison, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Chapman Hogan Johnson Larkins McVay Moore Nabors Phillips Vining and Wallace, of the Senate; Messrs Speaker Armbrister Burt Cantley Clough Coffey Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Hollis Horton Jackson King Lewis Loyd May McCarty McCord Murphy Oliver Patton Pratt Rodgers Seargent Shields Shortridge Sims Snodgrass Sossaman Stone Tate Taylor Thompson Walker Wallis Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Hye, are Messrs Barclay Bibb Borough Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins McVay Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Armbrister Bowin Calhoun Cantley Carmack Clough Coffey Cottrell Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Henderson Johnson Jones of J. King Lane Lee Lewis May McCarty McCord McHenry McLemore Miree Murphy Oliver Owen Patton Pegues Phelan Pratt Rains Rather Richardson Rodgers Sanders Seabury Shields Shortridge Sims Snodgrass Sossaman Tate Thompson Walker Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Kimble, are Messrs Brodnax and Chapman, of the Senate; Messrs Bagby Glascock Jackson Jones of J. Lane Phelan Pratt Rains Rather Sanders Seabury Tate and Young of L. of the House of Representatives.

Those who voted for Mr Mayfield, are Messrs President Ashe Arnold Barclay Bibb

Borough Boyd Brown Burke Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Clough Coffey Cottrell Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Henderson Houston Jackson Johnson Jones of J. King Lane Lee Lewis Loyd Massey May McCarty McCord McHenry McLemore Miree Murphy Oliver Owen Patton Pegues Phelan Pratt Rains Richardson Rodgers Sanders Seargent Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Thompson Walker Warren Williams Wooldridge Wynn and Young of L. of the House of Representatives.

Those who voted for Mr Rhodes, are Messrs President Ashe Arnold Bibb Borough Boyd Brodnax Brown Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Moore Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Calhoun Cantley Carmack Clough Coffee Davis Dent Dubose Fleming Gilbreath Henderson Hill Hollis Horton Houston Johnson King Lee Loyd Massey McCarty McCord McHenry Miree Oliver Pegues Phelan Rather Richardson Robertson Sanders Seargent Simmons Snodgrass Sossaman Taylor Thompson Warren Williams Wooldridge and Wynn, of the House of Representatives.

Those who voted for Mr Strain, are Messrs President Arnold Barclay Bibb Burke Chapman Keener Lane McVay Phillips Scott Wallace Walthall and Wilkinson, of the Senate; Messrs Speaker Bagby Burt Calhoun Carmack Cottrell Evans Farrar Gayle Hollis Horton Houston Johnson Lane Lee Massey McCord McHenry Miree Owen Patton Pegues Rather Robertson Rodgers Seabury Sims Simmons Sterrett Taylor Wallis Williams Womack and Wynn, of the House of Representatives.

Those who voted for Mr Sykes, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Irwin of H. Keener Lane Larkins Moore Nabors Perkins Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Carmack Cottrell Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Henderson Hill Houston Johnson Jones of J. King Lane Lee Loyd Massey May McCarty McLemore Miree Murphy Oliver Owen Pegues Pratt Rains Rather Richardson Robertson Sanders Seabury Sims Sossaman Tate Walker Wallis Warren Williams Wooldridge Wynn and Young of L. of the House of Representatives.

Those who voted for Mr Swoope, are Messrs President Barclay Boyd Burke Erwin of G. Hemphill Hogan Irwin of H. Keener Lane McVay Perkins Phillips Scott Wallace Walthall and Wilkinson, of the Senate; Messrs Bagby Calhoun Clough Cottrell Evans Gayle Horton Houston Jackson Lane Massey McCord Miree Owen Pegues Pratt Rains Robertson Rodgers Seabury Shortridge Simmons Stone Williams Womack and Young of J. of the House of Representatives.

Those who voted for Mr Thompson, are Messrs Ashe Bibb and Chapman, of the Senate; Messrs Bagby Clough Davis Hill Horton Houston Jones of J. Lane McLemore Murphy Owen Phelan Rather Robertson Seabury Walker and Young of L. of the House of Representatives.

Those who voted for Mr Thomas, are Messrs Ashe Arnold Bibb Boyd Brown Burke Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Nabors Perkins Scott Vining Wallace and Walthall, of the Senate; Messrs Speaker Armbrister Burt Calhoun Cantley Coffee Cottrell Davis Dent Dubose Evans Frierson Gilbreath Henderson Horton Houston Jackson King Lane Lee Lewis Loyd Massey McCord McHenry Miree Owen Patton Phelan Rains Rather Richardson Rodgers Sanders Seargent Shortridge Sims Simmons Sossaman Sterrett Tate Walker Wallis Williams Womack Wooldridge Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Trotter, are Messrs Brodnax Burke Hemphill Hogan Irwin of H. Johnson Lane Larkins Perkins Scott Wallace and Walthall, of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Carmack Clough Coffee Cottrell Davis Dubose Evans Fleming Frierson Gayle Gilmer Glascock Henderson Hill Hollis Horton Jackson Johnson Jones of J. King Lee Lewis Loyd Massey McCarty McCord McHenry Miree Murphy Oliver Owen Patton Pegues Phelan Richardson Robertson Rodgers Sanders Seargent Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Wallis Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Messrs Barclay, Christian, Fennel, Garth, Greene, Gamble, Houston, Hye, Mayfield, Rhodes, Sykes and Trotter, having received a majority of the whole number of votes, Mr Speaker declared them duly elected Directors of the Branch Bank at Decatur.



The elections being over, the Senate withdrew, repaired to their own hall, and Mr President resumed the chair.

And then the Senate adjourned until Monday 10 o'clock.

*Monday, December 8th, 1834.*—The Senate met pursuant to adjournment.

Mr Wallace presented the petition of the heirs of John Byler, deceased; which was referred to the committee on propositions and grievances.

Mr Wallace presented the petition of sundry citizens of Lawrence county, praying the removal of the election precinct at Summerville's store, to Mount Hope; which was referred to the committee on privileges and elections.

Mr Hemphill presented the account of Charles Lewin; which was referred to the committee on accounts and claims.

Mr Wallace presented the account of Matthew Roberts, sheriff and jailor of Lawrence county; which was referred to the committee on account and claims.

Mr Johnson presented the petition of sundry citizens of Blount and Jefferson counties, praying the general assembly to grant unto Solomon Palmer a licence to practice medicine; which was referred to a special committee, consisting of Messrs Johnson, Chapman and Wilkinson.

Mr Wilkinson, from the committee on divorce and alimony, to whom was referred an engrossed bill to be entitled an act to divorce Robert M. Richards from his wife Elizabeth H. Richards, reported the same without amendment, and the bill was ordered to a third reading on to-morrow.

Mr Wilkinson from the committee on divorce and alimony, to whom was referred a bill to be entitled an act to divorce Cinthia Miles from her husband Aquilla Miles, reported without amendment, and said bill was ordered to a third reading on to-morrow.

Mr Brown introduced a bill to be entitled an act to revive an act to revive an act entitled an act to incorporate the town of Pikeville in Marion county, approved January 12th, 1827; which was read a first time and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to repeal an act entitled an act permanently to locate the seat of justice in Franklin county and for purposes, was postponed until to-morrow.

An engrossed bill to be entitled an act to vacate the seat of any President or Director of the Bank of the State of Alabama, or any branch thereof, was read a third time and passed.

A bill to be entitled an act to abolish the several militia laws now in force in this State, was read a second time and referred to the committee on military affairs.

A bill to be entitled an act to authorise the summoning additional jurors in the county of Wilcox, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to amend the several acts for the incorporation of the town of Cahawba, was read a second time and ordered to be engrossed for a third reading on to-morrow.

An engrossed bill to be entitled an act to amend the act to incorporate the Cahawba Academy, in the county of Dallas, passed January 10th, 1834, was read a third time and passed.

An engrossed bill to be entitled an act to incorporate the Florence and Waterloo rail road company, was read a second time and referred to a special committee consisting of Messrs McVay, Lane and Vining.

Mr Nabors introduced a bill to be entitled an act to permit Bryant Rush-



ing to establish and keep a ferry therein named, was read a first time and ordered to a second reading on to-morrow.

Mr Burke introduced a bill to be entitled an act for the relief of T. B. Bethea; which was read a first time and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to facilitate the printing of the journals of each House and for other purposes, was read a third time and referred to a special committee consisting of Messrs Barclay, Erwin of G. and Moore, which said committee reported an amendment; which was concurred in, and the bill read a third time, and Mr Moore moved to fill the blank in the fourth section, with one hundred and fifty; which was lost.—Yeas 9, nays 15.

Those who voted in the affirmative, are Messrs President Barclay Bibb Borough Boyd Burke Larkins Moore and Perkins.

Those who voted in the negative, are Messrs Ashe Arnold Brodnax Brown Erwin of G. Hemphill Johnson Lane McVay Nabors Phillips Scott Vining Wallace and Wilkinson.

A motion was then made to fill the blank in the fourth section, with one hundred and twenty-five; which was carried.—Yeas 17, nays 8.

Those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Boyd Borough Burke Erwin of G. Hogan Johnson Larkins Moore Perkins Phillips Vining and Wilkinson.

Those who voted in the negative, are Messrs Brodnax Brown Hemphill Lane McVay Nabors Scott and Wallace.

A motion was then made to fill the blank in the fifth section, with one hundred and twenty-five; which was carried.—Yeas, 14, nays 11.

Those who voted in the affirmative, are Messrs President Bibb Boyd Barclay Borough Burke Erwin of G. Hogan Johnson Larkins Moore Perkins Phillips and Vining.

Those who voted in the negative, are Messrs Ashe Arnold Brodnax Brown Hemphill Lane McVay Nabors Scott Wallace and Wilkinson.

The bill was then passed.—Yeas 17, nays 8.

Those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson Larkins Moore Perkins Phillips Vining and Wilkinson.

Those who voted in the negative, are Messrs Brodnax Hemphill Lane McVay Nabors Scott Wallace and Wilkinson.

A message from the Governor by Mr Webster, Secretary of State. Mr President: His Excellency the Governor has instructed me to inform your honorable body, that he has approved and signed the following bills, viz: An act for the relief of Thomas S. Harvey, guardian of the minor heirs of Benjamin Harvy, deceased; and an act for the relief of Thomas G. Tyus, late assessor and tax collector of Limestone county.

On motion of Mr Hogan, *Resolved*, that with the concurrence of the House of Representatives the two Houses will convene in the Representative Hall at the hour of eleven o'clock, A. M. on to-morrow, for the purpose of going into the election of a President and fourteen Directors for the branch of the Bank of the State of Alabama at Mobile.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Tuesday, December 9th.*—Senate met agreeable to adjournment.

Mr Wilkinson presented the account of A. P. Bagby; which was referred to the committee on accounts and claims.

A message from the House of Representatives by Mr Frierson: Mr President—The House of Representatives have concurred in the amendment made by the Senate to the bill entitled an act to give publicity to the opinions of the supreme court. They also concur in the amendment made by the Senate to the bill entitled an act further to reduce the number of grand jurors in the county of Fayette. They also concur in the amend-

ments made by the Senate to the bill entitled an act to appoint commissioners to superintend the building a jail, and repairing the court house in the town of Columbiana, Shelby county, and to authorise the judge and commissioners of revenue and roads of said county, to levy a special tax for that purpose. They have also adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two houses will convene in the Representative Hall on Thursday next, at the hour of 12 o'clock, for the purpose of going into the election of a judge of the eighth judicial circuit, to fill the vacancy occasioned by the death of the Hon. John W. Paul; in which they ask the concurrence of your honorable body. Which was ordered to lie on the table.

Mr Vining from the committee on enrolled bills, reported the following bills as correctly enrolled: an act to authorise and require the sheriffs of certain counties therein named, to assess and collect the taxes of said counties; an act for the relief of James Harder; an act for the relief of Eliza W. Thompson; an act to change the time of holding the county courts in certain counties therein named; an act repealing the act granting to John Fowler the right of running a steam ferry boat between the city of Mobile and the town of Blakely and for other purposes; an act to provide for the payment of tales jurors in the county of Butler; an act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company.

On motion of Mr Johnson, Mr Arnold was added to the committee on county boundaries.

Mr McVay from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Blount county, reported a bill for the relief of John Smith of Blount county; which was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act, to repeal an act, entitled an act, permanently to locate the seat of justice, and for other purposes, was read a third time and passed.

Message from the House of Representatives by Mr Frierson. Mr President, the House of Representatives concur in the resolution from the Senate, proposing to go into the election of a president and fourteen directors, for the Branch of the Bank of the State of Alabama, at the hour of 10 o'clock to-day.

Engrossed bill to be entitled an act to divorce Robert M. Richards from his wife Elizabeth H. Richards, was read a third time and passed.—Yeas 24, Nays 3.

Those who voted in the affirmative, are messrs President Ashe Arnold Barclay Borough Boyd Brodnax Brown Burke Erwin of G. Hemphill Irwin of H. Johnson Keener Larkins McVay Moore Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are messrs Bibb Lane and Nabors.

Engrossed bill to be entitled an act to divorce Cinthia Miles from her husband Aquilla Miles was read a third time and passed.—Yeas 22, Nays 3.

Those who voted in the affirmative, are messrs President Ashe Arnold Barclay Borough Boyd Brown Erwin of G. Hemphill Irwin of H. Johnson Keener Larkins McVay Moore Perkins Phillips Scott Vining Walthall and Wilkinson.

Those who voted in the negative, are messrs Bibb Lane and Nabors.

A bill to be entitled an act to revive an act, entitled an act to incorporate the town of Pikeville in the county of Marion, approved January 12th, 1827, was read a second time, referred to a special committee, consisting of messrs Moore Borough and Boyd.

Engrossed bill to be entitled an act to permit Bryant Rushing to establish and keep a ferry therein named, was read a second time, and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act for the relief of T. B. Bethea, was read a second time, referred to the committee on accounts and claims.

Engrossed bill to be entitled an act to authorise the summoning additional jurors in the county of Wilcox, was read a third time and passed.

Engrossed bill to be entitled an act, to amend the several acts, for the incorporation of the Town of Cahawba, was read a third time and passed.

A message from the House of Representatives by Mr Frierson. Mr President, the House of Representatives have adopted the following resolution: *Resolved*, That the Senate be now informed, that the House of Representatives is now ready to receive them, for the purpose of going into the election for a president and fourteen directors for the Branch of the Bank of the State of Alabama at Mobile.

The Senate having repaired to the Hall of the House of Representatives, the two houses then proceeded to the election of a President of the branch Bank at the city of Mobile. George S. Gaines alone being in nomination.

Those who voted for Mr Gaines, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Morton Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate: Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. Lane Lee Lewis Loyd Massey May McAlpin McCarty jr. McCord McHenry McLemore Miree Mundy Murphy Oliver Owen Patton Pegues Porter Pratt Rains Rather Richardson Roberts Robertson Rogers Sallee Sanders Scott Seabury Sargent Shields Shortridge Sims Simmons Snodgrass Sossamon Sterrett Stone Tate Taylor Thompson Wallis Ward Warren Williams Womack Wynn Young of J. and Young of L. of the House of Representatives.

George S. Gaines having received a majority of the whole number of votes, Mr Speaker declared him duly elected President of the Branch Bank at Mobile.

The two Houses then proceeded to the election of fourteen Directors, of the branch of the Bank of the State of Alabama, at Mobile. David White, William Jones jr. S. V. V. Schuyler, Charles Cullum, H. Chamberlain, John Elliott. B. B. Fontaine, B. Gayle, Duke Goodman, James G. Lyon, Martin A. Lee, J. D. Fuller, B. Horner, S. Andrews, W. H. Fleming, E. Harrison, B. H. Rutland, C. B. Churchill, B. Barnes, C. Lewis, J. Sims, T. Strang, J. F. Ross, J. Bates, jr. J. F. Roberts, T. Mather, W. F. Cleveland, J. H. Collins and A. McCown, being in nomination.

Those who voted for Mr Andrews, are messrs Ashe Arnold Barclay Borough Brown Hogan Johnson Moore Morton Nabors Perkins and Vining, of the Senate; messrs Armbrister Coffey Dent Fleming Gilmer Johnson Jones of J. Jones of T. Loyd Massey Murphy Oliver Patton Phelan Porter Pratt Rains Richardson Sanders Shortridge Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Ward Warren Wooldridge and Young of J. of the House of Representatives.

Those who voted for Mr Barnes, are messrs Ashe Arnold Barclay Borough Boyd Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Larkins McVay Moore Morton Nabors Phillips Vining Wallace Walthall and Wilkinson, of the Senate; messrs Barron Bowin Calhoun Clark Davis Dent Dubose Evans Farrar Gilbreath Glascock Greer Henderson Hollis Horton Lewis Loyd Massey McAlpin McHenry Miree Murphy Phelan Porter Richardson Sargent Shortridge Sterrett Stone Thompson Wallis Wynn and Young of L. of the House of Representatives.

Those who voted for Mr Bates jr., are messrs Bibb Brodnax Chapman Hemphill Irwin of H. Johnson Keener Lane Larkins Moore Nabors Perkins Phillips Wallace and Walthall, of the Senate; messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Clark Clough Cottrell Curtis Dubose Fleming Gilbreath Gilmer Greer Henderson Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. Lane Lee Loyd McCarty McCord Miree Mundy Murphy Oliver Owen Patton Pegues Phelan Porter Pratt Rather Roberts Robertson Rodgers Sallee Sanders Seabury Simmons Sossaman Sterrett Ward Warren Williams Womack Wooldridge and Young of J. of the House of Representatives.

Those who voted for Mr Cullum, are messrs Ashe Arnold Barclay Bibb Borough Boyd Hogan Larkins McVay Moore Nabors and Vining, of the Senate; messrs Carmack Coffey Evans Fleming Hollis Jones of T. Loyd Massey McHenry Murphy

Patton Phelan Pratt Seabury Sargent Shortridge Stone Thompson and Walker, of the House of Representatives.

Those who voted for Mr Chamberlain, are messrs President Ashe Arnold Barclay Bibb Boyd Erwin of G. Johnson Keener Lane Larkins McVay Moore Morton Nabors Perkins Phillips Vining Walthall and Wilkinson, of the Senate; messrs Speaker Armbrister Barron Bagby Cantley Carmack Clark Coffey Curtis Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Hollis Horton Houston Jackson Jones of J. Jones of T. Lee Lewis Loyd McLemore Miree Patton Pegues Phelan Porter Pratt Rains Richardson Rodgers Sanders Sargent Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Ward Warren Womack Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Churchill, are messrs President Brodnax Erwin of G. Hemphill Johnson Keener Scott and Walthall, of the Senate; messrs Armbrister Bowin Carmack Clough Cottrell Davis Dent Frierson Henderson Hollis Horton Jackson Johnson Lee Loyd Massey May Murphy Pegues Rains Rather Richardson Sallee Sargent Sims Simmons Stone Tate Taylor Wallis Ward Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Cleaveland, are messrs Boyd Brodnax Chapman Hemphill Keener Nabors and Scott, of the Senate; messrs Bowin Burt Clough Coffey Davis Greer Henderson Horton Houston Jackson Lane McCarty McCord McHenry McLemore Murphy Owen Patton Rather Richardson Roberts Robertson Sallee Seabury Simmons Sterrett Taylor Thompson Wallis Williams and Wooldridge of the House of Representatives.

Those who voted for Mr Collins, are messrs Burt Greer Houston Johnson McCord Rather Roberts Robertson Sallee Seabury Simmons Sossaman Wallis and Womack, of the House of Representatives.

Those who voted for Mr Elliott, are messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hogan Irwin of H. Larkins McVay Moore Morton Nabors Perkins Phillips Vining Wallace and Wilkinson, of the Senate; messrs Armbrister Bagby Calhoun Carmack Clark Coffey Fleming Frierson Gayle Gilbreath Glascock Hill Houston Johnson Jones of J. Jones of T. Lewis Loyd Massey McAlpin McCarty McCord McHenry Phelan Porter Pratt Rains Rodgers Sargent Shields Shortridge Sossaman Sterrett Stone Tate Thompson Walker Ward Warren and Womack, of the House of Representatives.

Those who voted for Mr Fontaine, are messrs President Ashe Barclay Bibb Borough Brodnax Brown Burke Erwin of G. Hemphill Hogan Johnson Lane Nabors Perkins Phillips Vining and Wilkinson, of the Senate; messrs Armbrister Cantley Carmack Clark Davis Dent Dubose Evans Farrar Frierson Gilmer Glascock Hollis Horton Houston Jones of J. Jones of T. Lane Loyd Massey May McCarty McCord McLemore Murphy Owen Patton Pratt Rains Rather Richardson Roberts Robertson Rodgers Sanders Seabury Shortridge Sims Simmons Snodgrass Sossaman Sterrett Tate Taylor Thompson Walker Wallis Warren Wooldridge Wynn and Young of J. of the House of Representatives.

Those who voted for Mr Fuller, are messrs President Ashe Arnold Barclay Boyd Brodnax Brown Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Lane Larkins McVay Moore Morton Scott Vining Wallace and Wilkinson, of the Senate; messrs Barron Bowin Burt Cantley Carmack Clark Clough Coffey Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Greer Henderson Hill Hollis Horton Houston Jackson Jones of J. Jones of T. Lane Lewis Loyd Massey McAlpin McCarty McCord McHenry McLemore Mundy Murphy Owen Patton Pegues Pratt Rather Richardson Roberts Rodgers Sallee Sanders Seabury Sargent Shields Shortridge Sims Simmons Snodgrass Stone Tate Taylor Thompson Walker Wallis Ward Warren Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Fleming, are messrs President Ashe Arnold Barclay Bibb Borough Burke Erwin of G. Hogan Johnson Lane Larkins McVay Moore Morton Perkins Vining and Wilkinson, of the Senate; messrs Speaker Armbrister Bagby Bowin Calhoun Cantley Carmack Clough Coffey Cottrell Curtis Davis Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Houston Jackson Johnson Jones of J. Lane Lee Lewis Massey May McCarty McCord McHenry McLemore Mundy Murphy Oliver Patton Pegues Porter Pratt Rains Rather Roberts Robertson Sanders Seabury Shields Shortridge Sims Snodgrass Sossaman Sterrett Taylor Thompson Walker Warren Williams Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Gayle, are messrs President Arnold Barclay Borough Brown Burke Erwin of G. Hogan Irwin of H. Lane Larkins McVay Moore Morton

Perkins Phillips Vining and Wilkinson, of the Senate; messrs Speaker Armbrister Barron Calhoun Cantley Clark Clough Coffey Curtis Davis Dent Dubose Evans Fleming Frierson Gayle Gilbreath Gilmer Glascock Hill Johnson Jones of J. Jones of T. Lee Lewis May McCarty McCord McLemore Mirce Oliver Owen Patton Pegues Porter Pratt Rains Richardson Roberts Rodgers Sanders Seabury Shields Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Wallis Warren Wynn and Young of J. of the House of Representatives.

Those who voted for Mr Goodman, are messrs President Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Morton Nabors Scott Vining Wallace Walthall and Wilkinson, of the Senate; messrs Speaker Barron Bagby Burt Calhoun Carmack Coffey Curtis Davis Dent Dubose Gayle Gilbreath Gilmer Glascock Hill Hollis Houston Jones of T. Lane Lee Lewis Loyd Massey May McAlpin McCarty McHenry McLemore Mundy Murphy Oliver Patton Pegues Phelan Porter Rather Rodgers Sanders Seabury Shields Sims Sterrett Stone Tate Taylor Thompson Wallis Ward Warren Womack Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Horner, are messrs President Chapman Lane Morton Scott and Wallace, of the Senate; messrs Burt Cantley Clark Cottrell Frierson Gayle Glascock Greer Horton Lee Lewis May McAlpin McCord McHenry Mundy Owen Phelan Pratt Rains Richardson Roberts Robertson Sallee Sargent Shields Shortridge Sims Snodgrass Stone Walker Wallis Ward Wooldridge and Wynn, of the House of Representatives.

Those who voted for Mr Harrison, are messrs Ashe Arnold Bibb Borough Brodnax Burke Hemphill Hogan Irwin of H. Johnson Keener Larkins Morton Perkins Phillips Scott Wallace and Walthall, of the Senate; messrs Speaker Armbrister Barron Bowin Burt Carmack Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Horton Jackson Johnson Jones of J. Lane Lee Lewis Loyd May McAlpin McCarty McHenry McLemore Mirce Mundy Murphy Oliver Owen Pegues Phelan Porter Pratt Roberts Robertson Rodgers Sallee Seabury Sargent Shields Shortridge Sims Simmons Snodgrass Tate Taylor Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Jones, are Messrs President Ashe Arnold Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Keener Lane McVay Morton Perkins Phillips Wallace Walthall and Wilkinson, of the Senate; Messrs Barron Bagby Bowin Burt Calhoun Cantley Carmack Clark Clough Cottrell Curtis Davis Dent Dubose Farrar Frierson Gilbreath Henderson Hollis Horton Johnson Jones of T. Lane Lee Loyd Massey McAlpin McCord Mirce Mundy Oliver Owen Patton Pegues Rains Richardson Robertson Rodgers Sanders Sargent Shields Shortridge Sims Simmons Stone Walker Warren Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Lyon, are Messrs President Ashe Arnold Barclay Bibb Borough Brown Burke Chapman Erwin of G. Hogan Irwin of H. Larkins McVay Moore Morton Nabors Perkins Phillips Vining Wallace Walthall and Wilkinson, of the Senate; messrs Speaker Armbrister Barron Bagby Bowin Calhoun Cantley Carmack Clark Cottrell Curtis Dubose Evans Farrar Gayle Gilbreath Gilmer Glascock Henderson Hill Horton Houston Jackson Johnson Jones of J. Lee Massey May McAlpin McCarty McLemore Mirce Mundy Murphy Oliver Owen Pegues Porter Rains Rather Richardson Rodgers Shields Sims Snodgrass Sossaman Stone Tate Walker Ward Warren and Wooldridge, of the House of Representatives.

Those who voted for Mr Lee, are Messrs President Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Morton Nabors Phillips Scott Vining Wallace Walthall and Wilkinson, of the Senate; Messrs Speaker Armbrister Barron Bagby Bowin Burt Calhoun Cantley Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Houston Jackson Johnson Jones of J. Jones of T. Lane Lee Lewis Massey May McAlpin McCarty McHenry McLemore Mirce Mundy Oliver Owen Pegues Phelan Pratt Rains Rather Roberts Robertson Rodgers Sallee Sanders Sargent Shields Shortridge Simmons Snodgrass Sterrett Taylor Wallis Ward Williams Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Lewis are Messrs Ashe Barclay Borough Boyd Brodnax Brown Erwin of G. Keener Nabors Phillips Scott and Walthall of the Senate: Messrs Armbrister Barron Bowin Burt Calhoun Clough Coffey Davis Dent Evans Farrar Greer Hill Lewis McAlpin McHenry McLemore Mirce Mundy Owen Patton Porter Pratt Robertson Sallee Sims Simmons Snodgrass Sterrett Taylor Thompson Williams Womack Wynn and Young of L. of the House of Representatives.



Those who voted for Mr Mather, are Messrs Brodnax Brown Chapman Hemphill Johnson Keener Lane McVay Phillips Scott Vining and Wallace of the Senate: Messrs Speaker Bagby Burt Calhoun Carmack Clark Clough Cottrell Curtis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilmer Glascock Greer Hill Houston Jackson Johnson Lane Lewis Massey May McAlpin McCord Mundy Oliver Owen Phelan Pratt Rains Rather Roberts Sallee Sanders Seabury Sargent Shields Simmons Snodgrass Sossaman Tate Thompson Walker Wallis Williams Wynn and Young of L. of the House of Representatives.

Those who voted for Mr Rutland, are Messrs Ashe Boyd and Keener, of the Senate; Messrs Speaker Barron Calhoun Cantley Cottrell Dent Evans Frierson Gayle Gilmer Glascock Henderson Hollis Jones of J. Jones of T. Lewis May McAlpin McLemore Miree Phelan Porter Richardson Roberts Robertson Sallee Shortridge Sims Sossaman Sterrett Stone Walker Ward Warren Williams Womack and Woodbridge, of the House of Representatives.

Those who voted for Mr Roberts, are Messrs Arnold Bibb Boyd Brodnax Burke Chapman Hemphill Irwin of H. Keener Lane Larkins McVay Moore Perkins Phillips Scott Wallace and Walthall of the Senate: Messrs Speaker Armbrister Bagby Bowin Burt Calhoun Carmack Clough Cottrell Curtis Davis Dubose Farrar Fleming Frierson Gayle Gilbreath Gilmer Greer Henderson Hill Horton Houston Jackson Jones of J. Lane Lea McCarty McCord McHenry McLemore Miree Mundy Murphy Oliver Owen Patton Pegues Phelan Porter Rather Richardson Roberts Robertson Rodgers Sallee Sanders Seabury Sims Simmons Sossaman Taylor Walker Wallis Ward Williams Womack Woodbridge Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Ross, are Messrs Bibb Brodnax Chapman Irwin of H. Johnson Lane McVay Moore Perkins Scott Wallace and Walthall of the Senate: Messrs Speaker Bagby Burt Cantley Carmack Clark Clough Cottrell Fleming Gilbreath Houston Jackson Jones of J. Lane Lea McCarty McCord McHenry Miree Mundy Murphy Oliver Rather Roberts Robertson Rodgers Sallee Seabury Shields Simmons Sossaman Tate Wallis Williams Womack Young of J. and Young of L. of the House of Representatives.

Those who voted for Mr Straug, are Messrs Burke Chapman Hemphill Irwin of H. Keener Larkins Perkins Scott and Wilkinson of the Senate: Messrs Speaker Bagby Bowin Cantley Curtis Farrar Greer Henderson Hill Lane Pegues Sallee Seabury Sargent Warren and Williams of the House of Representatives.

Those who voted for Mr Schuyler, are Messrs President Ashe Arnold Barclay Bibb Borrough Boyd Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Larkins McVay Moore Nabors Perkins Vining Wallace and Walthall of the Senate: Messrs Armbrister Barron Bagby Cantley Clark Coffey Cottrell Curtis Dent Dubose Evans Farrar Fleming Gayle Gilmer Glascock Hill Hollis Jackson Johnson Jones of T. Lea Lewis Loyd Massey May McAlpin McCord Miree Mundy Oliver Pegues Rains Rather Richardson Roberts Sanders Sargent Shields Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Ward and Womack of the House of Representatives.

Those who voted for Mr White, are Messrs President Brodnax Brown Burke Hemphill Hogan Irwin of H. Keener Lane Martin Nabors Phillips Scott Walthall and Wilkinson of the Senate: Messrs Speaker Barron Bagby Bowin Burt Calhoun Clough Cottrell Davis Greer Henderson Hill Hollis Horton Jackson Johnson Jones of T. Lane Lea May McAlpin McCord Miree Mundy Oliver Pegues Rains Rather Richardson Roberts Sanders Sargent Shields Simmons Sossaman Tate Williams Womack Woodbridge and Young of J. of the House of Representatives.

Messrs Bates, Chamberlain, Fontaine, Fuller, Fleming, Gayle, Goodman, Harrison, Jones, Lyon, Lee, Mather, Roberts and Schuyler, having received the highest number of votes, Mr Speaker declared them elected Directors of the branch Bank at Mobile.

And then the election being over, the Senate withdrew from the Hall of the House to their own Chamber, and upon motion, adjourned until to-morrow 10 o'clock.

*Wednesday, December 10, 1834.*—The Senate met pursuant to adjournment.

Mr Nabors presented the petition of A. R. Coker, praying the general assembly to make him an allowance of fifty dollars, for certain services rendered; which was referred to the committee on propositions and grievances.

On motion of Mr Wilkinson, *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of proposing amendments to the constitution, so as to elect the county court judges, by qualified electors of each county.

On motion of Mr Irwin of H. *Resolved*, That with the concurrence of the House, the two Houses will assemble in the Hall of the House of Representatives on Thursday next, at the hour of 12 o'clock, for the purpose of electing a judge of the county court of Henry county.

A bill to be entitled an act for the relief of John Smith of Blount county, was read a second time, and ordered to be engrossed for a third reading on to-morrow.



A message from the House of Representatives by Mr Frierson. Mr President: I am instructed to inform your honorable body, that the House of Representatives have read three several times and passed a bill entitled an act making an appropriation for the pay of the members of the present general assembly and for other purposes. In which they ask the concurrence of your honorable body.

A bill to be entitled an act making an appropriation for the payment of the members of the present general assembly and for other purposes, was read and ordered to a second reading on to-morrow.

A bill to be entitled an act to exempt stud horses and jack asses from taxation, except in the county in which the owner resides, was read and ordered to a second reading on to-morrow.

Mr Chapman, from the committee on privileges and elections, to whom was referred the memorial of James Abercrombie, praying that he may be admitted to a seat in the Senate, by virtue of his election in August 1833, made the following report :

The Committee on Privileges and Elections, to whom was referred the Memorial of JAMES ABERCROMBIE, asserting his right to a seat in the Senate, have had the same under consideration, and have instructed me REPORT,

That, entertaining a just sense of the importance of the question submitted to them, they have bestowed upon it a patient and laborious consideration. Divesting themselves of all political partialities and prejudices, they have endeavored to reach a conclusion which may be sustained upon principles of constitutional law, after the excitement of the present period shall have passed away. And they must be permitted to remark, that they do not rely alone upon this disclaimer of undue bias, in the discharge of their duty. They rely, confidently, upon the correctness and stability of the conclusion itself, at which they have arrived—a conclusion not to be shaken, as they believe, either by sophistry or sound argument, as long as the true principles of the constitution and of our free institutions are acknowledged and applied. The Committee have not permitted themselves to regard this as a question of policy, or expediency, but of naked *right*; and in that character, to be determined solely as other questions of right are, by the facts of which it consists, and the principles applicable to them. In this judicial character they have sought to elevate themselves to a level with the station they occupy, and so far as they are concerned, to decide it under a solemn sense of the high responsibilities thus imposed upon them.

The Committee are not disposed to enlarge upon the importance of this question. It is evident, however, that every violation of constitutional rights is fraught with danger to the very existence of the Government, and that without the utmost vigilance on the part of those who are appointed to uphold them and to maintain unimpaired, the constitution on which they are founded, the respect and veneration which are now generally entertained for them, will be diminished, and eventually lost.

Impressed with these convictions the committee entered upon the discharge of their duty, and now without fear of successful opposition, based upon sound argument, present the facts and reasonings, upon which their opinion has been formed:—these are,}

1st. That James Abercrombie, the memorialist, now resides in the county of Macon.

2nd. That the Territory out of which Macon county was subsequently formed, was "attached to and made a part of Montgomery county" by the act of the Legislature of 1829, and that in December, 1832, Macon county was formed and election precincts then established.

3rd. That at the general election in August, 1833, he was elected for the constitutional term of three years from the Montgomery senatorial district.

4th. That afterwards, and before the apportionment law of 1833-4, he removed from the place at which he resided when elected, to the place in Macon county, at which he now resides.

5th. That the apportionment law, aforesaid, changed the senatorial district for which he was elected in August, 1833, by making Montgomery and Lowndes, each separate senatorial districts, and by making one other of the counties of Macon, Talapoosa and Pike, in which county of Macon he then resided.

From these facts arises the question, whether the said James Abercrombie be entitled to a seat in the Senate for his unexpired term?

If he could have been legally and constitutionally elected to the Senate, from the senatorial district composed of the counties of Montgomery and Lowndes, and that part of the Creek territory attached to Montgomery county, out of which the county of Macon was subsequently formed; at the general election in August, 1833, *though living where he now lives*, the question is settled and his right to a seat clear and indisputable. That he might have been so elected will appear from this view of the subject. The act of 1829 attached the Territory in which he now resides to the county of Montgomery, and made it, to all intents and purposes, a part of that county. The whole Territory, as well as that which was attached, as that lying within the original limits of the county of Montgomery, was nothing more nor less, in contemplation of law, than *Montgomery county*. A person residing in the part *attached* was subject to all the liabilities, and entitled to all the privileges of any other citizen of any other part of Montgomery county; and hence it is clear, that had the memorialist before the general election in August, 1833, resided where he now resides, there could have been no legal or constitutional objection to his being elected to the Senate for that district; unless, indeed, the act of 1829, by which that territory was attached to the county of Montgomery was unconstitutional. If this point were fairly open for investigation, its truth could be maintained, it is believed, by arguments that would address themselves with great force, to the enlightened judgment of the Senate; but by our system the decision of questions of constitutional law, is confided to another department of the Government, by which, in its highest tribunal, as well as by both branches of the Legislature, this question has been settled; and policy, no less than a proper respect for those who have gone before us, and for the highest judicial tribunal of the State, require that it should not be disturbed. This decision is a part of the law of the land. The memorialist then may be regarded for the purpose of this investigation, as residing all the while within the limits of Montgomery county. Had he done so, could any action of the Legislature deprive him of his right to a seat in the Senate, consequent upon his election? That it could not, may be clearly perceived by supposing that he now resides in the county of Montgomery as *originally* established—(and if the attaching act were constitutional, it must be so considered) and the Legislature had *detached* the part of Montgomery in which he lived, and made it to compose a part of the county of Macon. In that case if he had not removed, his right to a seat would be perfectly undeniable; and having removed before the passage of the apportionment law, the case is the same as if he had not removed at all.

The memorialist was elected to the Senate in August, 1833, from the senatorial district composed of the counties of Montgomery and Lowndes, and that part of the Creek Territory out of which the county of Macon had been formed; and it is not material to this investigation whether the citizens of Macon county voted at that election or not. Macon being a new county, the constitution assigns to it its proper station in this respect, by declaring that "every new county as to the *right of suffrage and representation*, shall be considered a part of the county from which it was taken, until entitled by numbers to the right of separate representation; and therefore, until after the apportionment law of 1833-4, it could not have voted otherwise than with the county of Montgomery.

The view of the subject which has been taken, does not, in the opinion of the committee, interfere with that clause in the constitution, in regard to the apportionment of representation, which declares "that such apportionment when made, shall not be subject to alteration, until after the next census shall be taken," and this, in the opinion of the committee, could be abundantly shewn, were it deemed to be material to the subject under investigation.

The committee believe that a glance at the subject of the classification of the Senators will remove any difficulty which that has seemed to present.

If, for instance, the territory attached to Montgomery county, had been of such extent as to have formed four new counties, and including the population of that county, had contained a population entitled to be represented by five Senators and had been laid off into five senatorial Districts, there would have been, at the time of the passage of the apportionment law, but one Senator elect for the whole; and he would, certainly, be the Senator for the District in which he might reside at the passage of the law, and would be entitled to serve his unexpired term, for that District. Every other District would be a new one for which Senators would have to be elected, subject to the classification required by the constitution. The memorialist is found at the passage of the apportionment law of the last session, residing with-

in the limits of the District for which he was elected at the general election, in August 1833, and although that District was subdivided by that law, such subdivision cannot deprive him of his right to a seat in the Senate for the unexpired term for which he was elected.

That the memorialist was legally and constitutionally elected to the Senate in August 1833, for the senatorial District composed of the counties of Montgomery and Lowndes, has not been, as it could not be, successfully controverted. Had he resided at that time within the limits of the county of Lowndes and continued to do so, at the passage of the apportionment law of 1833-4, he would under that law, unquestionably have been the Senator from Lowndes; and Montgomery would have been the new senatorial District. If he had not resided there at the period of his election, but had removed into that county before the passage of the law, he would, *as unquestionably*, have been the Senator from Lowndes—and, in that character, would have been legally and constitutionally entitled to serve out the remainder of the term for which he was elected. And in the opinion of this committee, the authority, by which Lowndes and Montgomery were made a senatorial District, is not more clear and unquestionable, than is that, by which the part of Macon county, in which the memorialist resides, was once attached to the county of Montgomery. If he was duly elected at the general election in August, 1833, for the senatorial District, composed of the counties of Montgomery and Lowndes, and that part of the Creek Territory which had been constitutionally attached to the county of Montgomery and out of which the county of Macon had been formed and was residing at the passage of the apportionment law, aforesaid, within the limits of the senatorial District for which he was originally elected, as has been fully proved to the committee, then the committee are satisfied, beyond the reach of doubt, that the memorialist is justly entitled to his seat in this body, for the remainder of the term for which he was elected, and that he cannot be deprived of it, without trampling upon those great principles, upon which all our glorious liberties are founded—principles, which it is the duty of the representatives of the people to preserve unimpaired and pure, amid all the agitations of party excitement and popular fury. They therefore, recommend the adoption of the following resolution.

*Resolved* That James Abercrombie was duly elected, at the general election in August, 1833, a Senator, for the senatorial District, composed of the counties of Montgomery and Lowndes, and that part of the Creek Territory, which had been constitutionally attached to the county of Montgomery, and out of which the county of Macon had been formed—and that, at the passage of the apportionment law of 1833, 4, he resided within the limits of the District for which he was elected in August 1833, and has not since removed, and therefore, that he is entitled to a seat in the Senate for the remainder of the term for which he was elected.

*Ordered*, That two hundred copies of said report, be printed for the use of the Senate.—Yeas 16, Nays 13.

Those who voted in the affirmative, are messrs President Bibb Brodnax Burke Chapman Hemphill Irwin of H. Keener Lane Larkins Perkins Phillips Scott Vining Wallace and Walthall.

Those who voted in the negative, are messrs Ashe Arnold Barclay Borough Boyd Brown Erwin of G. Hogan Johnson McVay Moore Nabors and Wilkinson.

*Ordered further*, That said memorial be the special order for 3 o'clock to-morrow.

Mr Chapman from the same committee introduced the following report: and the said committee ask leave to report to the Senate the minutes of their proceedings in the matter of said memorial of James Abercrombie, and all the evidence and documents belonging to said subject, and respectfully ask that they be entered on the journals of the Senate; which was laid on the table:

Mr Moore offered the following resolution: *Resolved*, That on to-morrow at 11 o'clock, the Senate will proceed to classify the new additional Senators; which was adopted, reconsidered, and laid on the table.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, acts of the following titles, to wit: an act to give publicity to the opinions of the Supreme Court: an act to amend a law therein named; and an act further to reduce the number of grand jurors in the county of Fayette.

Mr Arnold introduced a bill to be entitled an act to attach a part of the county of Talladega to the county of Randolph; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith, and referred to the committee on county boundaries.

On motion of Mr Erwin of G. *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of establishing a separate, independent chancery court in each judicial circuit of this State, to be held by the Judge of the circuit, or the Judge who may have last presided in the circuit, with leave to report by bill or otherwise.

Mr Wallace from the committee on education, to whom was referred a bill to be entitled an act, to alter and amend the several laws in relation to the sale of sixteenth sections, reported an amendment thereto, by adding three additional sections. Mr. Erwin of G. moved to amend the amendment by striking out the third section, which was carried.—Yeas 16, Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs President Ashe Barclay Bibb Borough Brown Burke Erwin of G. Hogan Irwin of H. Larkins Nabors Perkins Phillips Scott and Wilkinson.

Those who voted in the negative, are Messrs Arnold Boyd Brodnax Hemphill Keener Lane McVay Vining Wallace and Walthall.

And then the report was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

The Senate adjourned until to-morrow morning 10 o'clock.

*Thursday, December 11th, 1834.*—The Senate met pursuant to adjournment.

Mr Irwin of H. from the committee on military affairs, to whom was referred so much of his excellency's, the Governor's message, as relates to the militia of this State, and also a resolution instructing them to inquire into the expediency of so altering and amending the militia laws of this State, as will in their opinion best remedy the evil now complained of, with leave to report by bill or otherwise, reported a bill to be entitled an act, to amend the militia laws of this State; which was read a first time and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives concur in the resolution, proposing to go into the election of a judge of the county court of Henry county.

Mr Lane from the committee on internal improvement and inland navigation, to whom was referred a resolution, instructing them to inquire into the expediency of appropriating ——— thousand dollars for the improvement of the Coosa river, reported that it was inexpedient to legislate on the subject; which report was concurred in.

Mr Lane from the same committee to whom was referred a resolution, instructing them to inquire into the expediency of dividing the interest of the three per cent fund, annually, among the several counties, in this State, in proportion to population, to be appropriated to such objects of internal improvement, as the judge of the county court and commissioners of roads and revenue of the respective counties may deem most expedient, reported that it is inexpedient to legislate on the subject; which was laid on the table.

Mr McVay from the committee on propositions and grievances, to whom was referred the petition of the heirs of John Byler, deceased, reported a bill to be entitled an act for the relief of the heirs and legal representatives of John Byler, deceased.

Mr Chapman offered the following resolution: *Resolved*, That with the concurrence of the House of Representatives, the two houses will assemble

in the Representative Hall on Friday, the 19th inst. at the hour of 11 o'clock, A. M. for the purpose of going into the election of a judge of the 8th judicial circuit, to fill the vacancy occasioned by the death of the late Hon. John W. Paul; which was adopted.

Mr Wilkinson offered the following resolution: *Resolved*, That the president of the State Bank be requested to furnish the Senate with a statement of the amount asked for from each county, and what each county has received, on notes and bills for the year 1834; which was adopted.

Mr Lane from the committee on privileges and elections, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of changing the mode of appointing managers of elections for members of the general assembly, by making it the duty of the commissioners of roads and revenue, to make such appointments, and further to inquire into the expediency of passing a law, requiring the managers of all such elections, to prosecute all persons giving illegal votes at the box, where any such managers may preside, reported a bill to be entitled an act, pointing out the mode of appointing inspectors of elections and for other purposes; which was read a first time and ordered to a second reading on to-morrow.

Mr Hogan from the committee on the State Bank, to whom was referred a bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ——— in the Tennessee Valley, reported the same with sundry amendments; which were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Hogan from the same committee to whom was referred a bill to be entitled an act to limit the president and directors of the branch of the Bank of the State of Alabama at Mobile and for other purposes, and also the proposed amendment thereto, reported the original bill without the amendment, and recommended the passage of the same; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Hogan from the same committee to whom was referred a bill to be entitled an act to alter and amend the charter of the Bank of the State of Alabama and its several branches, reported that it is inexpedient to pass said bill; which report was concurred in.

Mr Hogan from the same committee to whom was referred a bill to be entitled an act to authorise the taking of the stock reserved to the State, by the act to increase the capital of the Mobile Bank, reported the same with sundry amendments; which were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

On motion, Messrs Walthall Vining and Wilkinson, were added to the committee on internal improvements and inland navigation.

Mr Moore from the special committee to whom was referred a bill to be entitled an act, to revive an act, entitled an act, to incorporate the town of Pikeville, in the county of Marion, approved January 12th, 1827, reported the same with sundry amendments; which were severally concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr McVay from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Lawrence county, praying the removal of the election precinct from Summervill's store, to Mount Hope, reported, that in the opinion of the committee, the subject of the petition properly belongs to the committee on privileges and elections; therefore, beg leave to be discharged from the further consideration of the subject, and that said petition be referred to the appropriate committee; which was laid on the table.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times and passed a bill of the following title, to wit: a bill to be entitled an act to regulate the collection of University debts. In which they ask the concurrence of your honorable body.

Engrossed bill to be entitled an act to regulate the collection of University debts, was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith, and referred to the committee on the judiciary.

A bill to be entitled an act, making an appropriation for the pay of the members of the present general assembly, and for other purposes, was read a second time and referred to a special committee, consisting of Messrs Erwin of G. Brodnax and Wallace.

A bill to be entitled an act to exempt stud horses and jack asses from taxation, except in the county in which the owner resides, was read a second time. Mr Brown moved to refer the bill to the committee on propositions and grievances; which was lost.—Yeas 10, Nays 16.

The yeas and nays being desired, those who voted in the affirmative, are messrs Bibb Brown Erwin of G. Johnson Keener Lane McVay Nabors Phillips Wallace and Wilkinson.

Those who voted in the negative, are messrs President Ashe Arnold Barclay Borough Boyd Brodnax Burke Hemphill Irwin of H. Larkins Moore Perkins Scott Vining and Walthall.

The bill was then referred to the committee on the judiciary.

Engrossed bill to be entitled an act to alter and amend the several laws in relation to the sale of sixteenth sections, was read a third time. Mr Wallace moved to amend the bill by adding thereto an additional section, by way of engrossed rider. Mr Erwin of G. moved to lay the amendment on the table until the first of June; which was lost.—Yeas 14, Nays 16.

The yeas and nays being desired, those who voted in the affirmative, are messrs Ashe Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Larkins Moore Nabors Perkins and Phillips.

Those who voted in the negative, are Mr President Arnold Brodnax Chapman Hemphill Irwin of H. Johnson Keener Lane McVay Moore Scott Vining Wallace Walthall and Wilkinson.

The question was then taken upon the adoption of the amendment, and decided in the negative.—Yeas 13, Nays 16.

The yeas and nays being requested, those who voted in the affirmative, are messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane McVay Morton Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Larkins Moore Nabors Perkins Phillips and Scott.

Mr Erwin of G. moved to refer said bill to a special committee, with instructions to strike out so much of the first section, as relates to churches; which was carried; and messrs Erwin of G, Barclay and Wallace were appointed said committee.

Engrossed bill to be entitled an act for the relief of John Smith of Blount county, was read a third time and passed.

Mr Hogan introduced a bill to be entitled an act to incorporate the Mobile Ice Company; which was read a first and second time, and referred to the judiciary committee.

On motion of Mr Erwin of G. Mr Burke was added to the committee on the judiciary.

A message from the House of Representatives by Mr Tunstall. Mr President: the House of Representatives have adopted the following resolution: *Resolved*, That the House of Representatives is now ready to re-



ceive the Senate, to go into the election of Judge of the county court for the county of Henry.

The Senate having repaired to the Hall of the House of Representatives, the two Houses then proceeded to the election. Robert Erwin and Benjamin C. Landsdale, being in nomination.

Those who voted for Mr Erwin, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Larkins McVay Nabors Perkins Phillips Scott Vining and Walthall of the Senate; Messrs Speaker Barron Bagby Bowin Eurt Calhoun Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Gayle Gilmer Glascock Henderson Hill Hollis Houston Jackson Johnson Jones of J. Jones of T. King Lane Lewis Loyd Massey May McAlpin McCarty McCord McHenry McLeMore Mundy Murphy Oliver Patton Pegues Pratt Rains Rather Richardson Robertson Rodgers Sallee Sanders Scott Sargent Sims Simmons Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wynn and Young of L. of the House of Representatives.

Those who voted for Mr Landsdale, are Mr Lane of the Senate, and Mr Shortridge of the House of Representatives.

Mr Erwin having received a majority of the votes, Mr Speaker therefore declared him elected judge of the county court for Henry county.

The election being over, the Senate withdrew, repaired to their own chamber, Mr President resumed the chair, and the Senate adjourned until 3 o'clock this evening.

*Evening Session, Thursday, December 11.*—Mr Erwin of G. from the committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of changing the manner of electing justices of the peace and constables, reported a bill to be entitled an act more effectually to provide for the election of justices of the peace and constables; which was read a first time and ordered to a second reading on to-morrow.

Mr Brodnax introduced the following resolution: *Resolved*, that John P. Graham be appointed assistant Secretary of the Senate, to act in place of the principal Secretary, until he recovers from his present indisposition; which was adopted.

Mr Wallace offered the following resolution: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of creating a sinking fund, out of the profits of the State Bank and its several branches, that will be sufficient to redeem all the bonds issued by the State, and sold for the purpose of creating the capital stock of said Banks as they fall due, and that they report by bill or otherwise; which was adopted.

The Senate took up for consideration, the report of the committee on privileges and elections, to whom was referred the memorial of James Abercrombie.

The Senate adjourned until 10 o'clock to-morrow morning.

*Friday, December 12.*—The senate met pursuant to adjournment.

A message from the House of Representatives by Mr Frierson: Mr President—The House of Representatives concur in the resolution proposing to go into the election of a judge of the eighth judicial circuit.

Mr Boyd presented a bill of costs, in the case of the State vs. Sam, a negro; which was referred to the committee on accounts and claims.

Mr Bibb presented the petition of sundry citizens of Wetumpka, praying the passage of a law so as to extend the corporate limits of said town; which was referred to a special committee consisting of Messrs Bibb Brodnax and Boyd.

Mr Hogan offered the following resolutions: *Resolved*, that the President and Directors of the branch Bank at Decatur, be required forthwith to forward to the President of the Bank of the State of Alabama at this place, statements of all persons indebted to said branch Bank, by bills of exchange or notes, noting particularly those under protest and in suit, and arranging the names under the counties in which the parties reside; also the date of their notes and bills of exchange, and the time that suit was commenced, in

pursuance of the provision of an act entitled an act to amend the charters of the several branch Banks in this State, approved January 17, 1834 ; and also to state their reasons why the provisions of this act have not been complied with, during the first week of the session of this legislature.

And be it further resolved, that the President of the Senate cause a copy of the foregoing resolution to be forwarded to the President and Directors of the branch Bank at Decatur, by the next mail.

Mr Hogan introduced a bill to be entitled an act to incorporate the Mobile and Cedar point rail road company ; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days, being suspended, was read a second time forthwith, and referred to the committee on internal improvement and inland navigation.

Mr Hemphill introduced a bill to be entitled an act to repeal an act for the improvement of a road therein named ; which was read and ordered to a second reading on to-morrow.

Mr Burke from the committee on accounts and claims, to whom was referred a bill to be entitled an act for the relief of T. B. Bethea, reported the same as amended, and the bill was ordered to be engrossed for a third reading on to-morrow.

The Senate resumed the consideration of the report on privileges and elections, upon the subject of James Abercrombie's claim to a seat in the Senate. Mr Arthur P. Bagby thereupon appeared as counsel for Mr Abercrombie, and addressed an argument in support of Mr Abercrombie's claim to the Senate.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, December 13.*—The Senate met pursuant to adjournment.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act to authorise the issuance of execution in certain cases, reported the same with sundry amendments ; which were concurred in, and the bill was ordered to be engrossed for a third reading on Monday next.

Mr Erwin of G. from the special committee, to whom was referred an engrossed bill to be entitled an act to alter and amend the several laws in relation to the sale of the sixteenth sections, reported an amendment ; which was concurred in, and the bill read a third time and passed.

Mr Wilkinson from the committee on the judiciary, to whom was referred a resolution, instructing them to report a joint resolution, proposing an amendment to the Constitution of the State of Alabama, so as to authorise the election of the judges of the county courts, by the qualified electors of each county, reported a joint resolution, proposing an amendment to the Constitution of the State of Alabama, so as to authorise the election of judges of the county courts, by the qualified electors of each county ; which was read and ordered to a second reading on Monday next.

Mr Burke presented the petition of sundry citizens of Daletown, praying the establishment of a branch Bank at that place ; which was referred to the committee on the State Bank.

Mr Erwin of G. from the special committee to whom was referred a bill to be entitled an act, making an appropriation for the pay of members of the present general assembly and for other purposes, reported an amendment ; which was concurred in, and the bill read a third time and passed.

Mr Wilkinson introduced a bill to be entitled an act to amend the charter of the branch of the Bank of Alabama at Mobile ; which was read and ordered to a second reading on Monday next.

**Mr Moore** from the committee on the judiciary, to whom was referred a resolution instructing them to inquire into the expediency of providing additional remedies against constables for failing to return executions, reported a bill to be entitled an act to provide an additional remedy against constables, for failing to return executions; which was read and ordered to a second reading on Monday next.

The Senate resumed the consideration of the report of the committee on privileges and elections, to whom was referred the memorial of James Abercrombie, praying that he may be admitted to his seat in the Senate, by virtue of his election in August, 1833. The question being on the adoption of the resolution reported by said committee, and on concurring in the report of the committee, **Mr Erwin** of G. moved to amend the resolution by striking out all after the word "Abercrombie," and inserting, "is not entitled to a seat in the Senate as a member thereof, for the senatorial district composed of the counties of Macon, Tallapoosa and Pike."

And then the Senate adjourned until Monday morning ten o'clock.

*Monday, December 15th, 1834.*—The Senate met pursuant to adjournment.

**Mr Erwin** of G. presented the petition of Willis Pope, praying the passage of a law, authorising him to sell certain real estate belonging to the estate of Nicholas G. Hill, deceased; which was referred to the committee on the judiciary.

**Mr Erwin** of G. presented the petition of Thomas Allison, praying compensation for certain services therein named; which was referred to the committee on propositions and grievances.

**Mr McVay** from the committee on propositions and grievances, to whom was referred the petition of Ausburn R. Coker, sheriff of Coosa county, reported that in their opinion, the prayer of the petitioner ought not to be granted.

**Mr Hogan** introduced a bill to be entitled an act to amend the charter of the branch of the Bank of the State of Alabama at Mobile; which was read, and the constitutional rule, requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith, and referred to a special committee, consisting of Messrs Hogan Lane and Phillips, and the said committee reported sundry amendments; which were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

**Mr Johnson** presented the petition of William T. Welden, praying the passage of a law, authorising the sale of certain real estate therein named; which was referred to the committee on the judiciary.

**Mr Johnson** presented the petition of many citizens of Blount county, praying the passage of a law to attach a part of Jackson to Blount county; which was referred to the committee on county boundaries.

**Mr Vining** from the committee on enrolled bills, reported as correctly enrolled, an act making an appropriation for the pay of the members of the present general assembly, and for other purposes.

The Senate resumed the consideration of the report of the committee on privileges and elections, to whom was referred the memorial of James Abercrombie. The question being on **Mr Erwin's** of G. motion to amend the report, by striking out all after the name of **Mr Abercrombie**, in the resolution submitted by the committee, and inserting the words, "is not entitled to a seat in the Senate as a member thereof, for the senatorial district composed of the counties of Macon, Tallapoosa and Pike." **Mr. Lane** moved to lay the amendment on the table; which was lost. Yeas 13, Nays 16.

The yeas and nays being desired, those who voted in the affirmative, are messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Perkins Phillips Scott Wallace and Walthall.

Those who voted in the negative, are messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining and Wilkinson.

Mr Lane called for a division of the question in the amendment moved by Mr Erwin of G. The question then was, upon striking out; which was decided in the affirmative.—Yeas 16, Nays 13.

The yeas and nays being desired, those who voted in the affirmative, are messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Johnson McVay Moore Nabors Vining Wilkinson and Hogan.

Those who voted in the negative, are messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Perkins Phillips Scott Wallace and Walthall.

The question then followed, upon inserting the words “is not entitled to a seat in the Senate as a member thereof, for the senatorial district composed of the counties of Macon, Tallapoosa and Pike;” which was decided in the affirmative.—Yeas 16, Nays 13.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Erwin of G. Hogan Johnson McVay Moore Vining and Wilkinson.

Those who voted in the negative, are Messrs President Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Perkins Phillips Scott Wallace and Walthall.

And then the Senate adjourned until 4 o'clock this evening.

*Evening Session, 4 o'clock.*—The Senate met pursuant to adjournment, and resumed the consideration of the report of the committee on privileges and elections, to whom was referred the memorial of James Abercrombie. Mr Walthall moved to amend the report by adding thereto the following resolution: *Resolved further*, That Mr James Abercrombie is not entitled to a seat upon this floor, from the county of Montgomery. Mr. Lane moved to lay the report and amendment on the table; which was carried.

Mr Lane presented the petition of sundry citizens of Wilcox county, praying the Senate to inquire into and determine upon the eligibility of John M. Burke, to sit in the Senate as a member thereof; which was referred to the committee on privileges and elections.

Mr Vining, from the committee on enrolled bills, reported as correctly enrolled, acts of the following titles, to wit: An act to appoint commissioners to superintend the building a jail and repairing the court house in the town of Columbiana, Shelby county, and to authorise the judge and commissioners of revenue and roads of said county, to levy a special tax for that purpose; an act to compensate jurors in the county of Pickens; an act to divorce Cinthia Miles from her husband Aquilla Miles; an act to repeal an act, entitled an act, permanently to locate the seat of justice in Franklin county and for other purposes; and an act to divorce Robert M. Richards from his wife Elizabeth H. Richards.

Mr Moore presented the petition of sundry citizens of Pickens county, praying the repeal of the act, confining justices of the peace to the trial of causes, in the beats wherein they reside; which was referred to the committee on the judiciary.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times and passed a bill to be entitled an act, further to amend an act, to incorporate the Indian Creek navigation company, passed December 21, 1820. In which they ask the concurrence of the Senate.

An engrossed bill to be entitled an act, further to amend an act, to incorporate the Indian Creek navigation company, passed December 21, 1820, was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days, being suspended, was read a second

time forthwith, and referred to the committee on internal improvements and inland navigation.

An engrossed bill to be entitled an act, to discontinue in part, a certain road therein named, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to divorce Edward Newsom from his wife Matilda Newsom, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to declare Mud creek a public highway, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to divorce James Munnerlyn from his wife Mary Munnerlyn, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to change the name of Thomas Nevil, was read and ordered to a second reading on to-morrow.

Engrossed joint resolutions, requesting the Hon. Gabriel Moore to resign his seat in the Senate of the United States, were read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third time forthwith, and passed.—Yeas 19, Nays 9.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Borough Boyd Brown Chapman Hogan Johnson Lane Larkins McVay Moore Nabors Perkins Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Bibb Brodnax Burke Hemphill Irwin of H. Keener Phillips Scott and Walthall.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times and passed bills of the following titles, to wit: An act to discontinue in part a certain road therein named; an act to divorce Edward Newsom from his wife Matilda Newsom; an act to declare Mud creek a public highway; an act to divorce James Munnerlyn from his wife Mary Munnerlyn; an act to change the name of Thomas Nevil. In all which they ask the concurrence of your honorable body. They have also read three several times and passed joint resolutions, requesting the Hon. Gabriel Moore to resign his seat in the Senate of the United States. In which they respectfully ask the concurrence of your honorable body.

An engrossed bill to be entitled an act to permit the selling of beer and cider was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act relating to the estate of George W. Cummings, deceased, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to compensate jurors and witnesses in the county of Tuscaloosa, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act making compensation to garnishees, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to incorporate the town of Marion was read, the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time, and referred to a special committee consisting of Messrs Walthall Brodnax and Boyd.

An engrossed bill to be entitled an act, to authorise John C. Keziah to to make a turnpike road in Benton county, was read and ordered to a second reading on to-morrow.

Mr Bibb, from the special committee to whom was referred the petition of the citizens of Wetumpka, praying an extension of the corporate limits of

said town, reported a bill to be entitled an act, to extend the corporate limits of the town of East Wetumpka, and for other other purposes; which was read and ordered to a second reading on to-morrow.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Tuesday, December 16th, 1834.*—The Senate met pursuant to adjournment.

Mr Vining presented the petition of James Moore of Madison county, praying the passage of a law to authorise him to remove certain minors, his wards, to the State of Mississippi; which was referred to the committee on the judiciary.

Mr Burke presented the petition of numerous citizens, praying the establishment of a branch bank at Prairie Bluff; which was referred to the committee on the State Bank.

Mr Burke from the committee on accounts and claims, to whom was referred sundry accounts against the State, reported a bill to be entitled an act for the relief of Matthew Roberts and others; which was read and ordered to a second reading on to-morrow.

Mr Lane from the committee on internal improvements and inland navigation, to whom was referred a bill to be entitled an act further to amend an act to incorporate the Indian creek navigation company, passed December 21, 1830, reported the same without amendment, and the bill was read a third time and passed.

Mr Wallace from the joint committee of the two Houses, appointed to examine the accounts, vouchers and books of the Treasurer and Comptroller of public accounts,

Made the following report: The joint committee of the Senate and House of Representatives, appointed to examine the accounts, vouchers and books of the Treasurer and Comptroller of Public Accounts, have instructed us to report, that they have performed the duty assigned. That they have examined every voucher in the office of the Treasurer and compared it with the warrant of the Comptroller, and that they have compared them with the entries on the respective books of these officers, commencing on the 27th November, 1833, and bringing the examination down to the 10th December, 1834. Your committee find that no money has been paid by the Treasurer, unless a warrant has been issued by the Comptroller; and in all cases where payments have been made in pursuance of an act of the Legislature. The vouchers have been compared with the act of appropriation, and found to correspond. The accounts in both offices have been kept in a neat and perspicuous manner. The addition of the books in both offices were made with great care, and no inaccuracy has been detected. The vouchers were all carefully filed and numbered, which greatly facilitated the labors of the committee. The Treasurer and Comptroller were prompt and obliging in doing every thing in their power to assist the committee in prosecuting the object of their inquiries.

The cash in the Treasury to the credit of the revenue fund, was found to be, on the 10th of December inst., seventy thousand eight hundred and seventy two dollars ninety seven cents, which sum includes one hundred and thirty-five dollars, in notes of the Fayetteville Bank, Tennessee, which are on special deposit in the State Bank.

The same mode of examination was pursued in regard to the University fund. The balance to the credit of that fund, was found to be seventy four thousand three hundred and fifty five dollars and twenty nine cents. They also found in the Treasury, to the credit of the seat of government fund, six hundred and forty four dollars seventy cents.

All the papers books and furniture of the Treasury office, was delivered over by the late Treasurer to his successor, in the presence of the committee, and the Treasurer elect has informed the committee, that he has found on deposit in the State Bank, the several sums above mentioned, to the credit of his department. The late Treasurer also produced to the committee, five dollars thirty seven and a half cents in old Treasury notes, which the committee burnt and for which he has received no credit in his account current; he is therefore entitled to that amount of money out of the sum standing to the credit of the revenue fund.

Your committee, after the most thorough examination into all the concerns of the Treasury department, feel bound, in justice to the late Treasurer, to declare as their opinion, that its several duties have been discharged by him with great ability and fidelity to the public. All of which is respectfully submitted.

JAMES B. WALLACE, Chairman  
on the part of the Senate.

SAMUEL S. SIMMONS, Chairman  
on the part of the House of Representatives.

*Ordered,* That said report lie on the table.

Mr Wallace introduced a bill to be entitled an act, to repeal in part an act, approved January 13, 1827, which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days,



being suspended, was read a second time and referred to the committee on privileges and elections.

On motion of Mr Chapman, *Resolved*, That the committee on county boundaries be instructed to inquire into the expediency of organising the territory included within that part of the Cherokee Nation, lying in this State, into counties, by attaching parts of old counties to such new ones, with leave to report by bill or otherwise.

Mr Walthall from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act, to authorise John S. Brooks and his associates, to turnpike a road therein named, reported the bill without amendment, and asked to be discharged from the further consideration of the same; whereupon, the said committee was discharged from the further consideration of the said bill, and then said bill was referred to a special committee consisting of Messrs Johnson Ashe and Brown.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act to incorporate the Mobile Ice Company, reported the same with sundry amendments; which were severally concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Erwin of G. introduced a bill to be entitled an act, to explain and amend the law relative to the probate of deeds and relinquishments of dower; which was read and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times and passed bills of the following titles, viz: An act to permit the selling of beer and cider; an act relating to the estate of George W. Cummings; an act to compensate jurors in the county of Tuscaloosa; an act making compensation to garnishees; an act to incorporate the town of Marion; an act to authorise John C. Keziah to make a turnpike road in Benton county; an act to attach that part of St. Clair county, east of the Coosa river, to a certain point to Benton county; an act to repeal an act therein mentioned; an act concerning the taxes on cattle; an act to change the name of a certain person therein named and for other purposes; an act to repeal the act, entitled an act providing additional compensation to the judge of the county court of Baldwin county; an act to divorce James D. Bradley from his wife Henrietta Bradley. In all which they ask the concurrence of your honorable body.

An engrossed bill to be entitled an act to attach that portion of St. Clair, east of the Coosa river, to a certain point to the county of Benton, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act to repeal an act therein named, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act concerning the taxes on cattle, was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time, and referred to a special committee, consisting of Messrs Irwin of H. Hogan and Keener.

An engrossed bill to be entitled an act to change the name of a certain person therein named and for other purposes, was read and ordered to a second reading on to-morrow.

An engrossed bill to be entitled an act, to repeal the act, entitled an act providing additional compensation to the judge of the county court of Baldwin county, was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third time forthwith and passed.

An engrossed bill to be entitled an act to divorce James D. Bradley from his wife Henrietta Bradley, was read and ordered to a second reading on to-morrow.

A message from the House of Representatives by Mr. Frierson. Mr. President: the House of Representatives have read three several times and passed bills of the following titles, viz: An act to establish a State road from the town of Tuscaloosa to Mobile, by way of Foster's ferry on the Warrior river, Livingston and Washington court house; an act regulating the circuit courts of Bibb county. They have also read three times and passed joint resolutions against a recharter of the United States Bank. In which they ask the concurrence of your honorable body.

An engrossed bill to be entitled an act to establish a State road from the town of Tuscaloosa to Mobile, by way of Foster's ferry on the Warrior river, Springfield, Daniel's Prarie, Livingston and Washington court house, was read and ordered to a second reading on to-morrow.

A bill to be entitled an act regulating the circuit courts of Bibb county, was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith and referred to a special committee consisting of Messrs Boyd Walthall and Brodnax.

Engrossed joint resolutions against a recharter of the Bank of the United States were read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, were read a second time and referred to a special committee consisting of Messrs Hogan Erwin of G. and Wilkinson.

An engrossed bill to be entitled an act to authorise John C. Keziah to make a turnpike road in Benton county, was read a second time, and referred to the committee on roads, bridges and ferries.

A bill to be entitled an act for the relief of the heirs and legal representatives of John Byler, deceased, was read a second time, and referred to the committee on roads, bridges and ferries.

An engrossed bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ——— was read a third time. Mr Vining moved to fill the blank in the first section, with nine hundred and ninety-nine thousand; which was carried.—Yeas 17, Nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Arnold Barclay Bibb Borough Brodnax Chapman Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Perkins and Vining.

Those who voted in the negative, are Messrs President Ashe Boyd Brown Burke Erwin of G. Nabors Phillips Scott Wallace Walthall and Wilkinson.

Mr Hogan moved to lay the bill on the table; which was carried.

A bill to be entitled an act more effectually to provide for the election of justices of the peace and constables, was read a second time. Mr Phillips moved to amend the bill by inserting after the word "sheriff," the words "or coroner," when there is a vacancy in the office of sheriff; which was carried. Mr Nabors moved to amend the bill, by adding thereto an additional section, which was carried; and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Vining moved to take from the table, the engrossed bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ——— which was carried. Mr Vining moved to amend the first section of the bill, by way of an engrossed rider, in these words: "to be located by joint vote of both branches of the present general assembly," to come in after the word "Alabama;" which was carried.—Yeas 18, Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Hogan Irwin of H. Keener Larkins Moore Phillips and Vining.

Those who voted in the negative, are Messrs Erwin of G. Hemphill Lane McVay Nabors Perkins Scott Wallace Walthall and Wilkinson.

Mr Chapman moved to reconsider the vote of filling the blank in the first section with 999,000; which was carried. Mr Perkins moved to fill said blank with 999,000; which was lost. Mr Chapman moved to fill the blank with 999,000; which was carried; and then the question being put, shall the bill pass, it was decided in the negative.—Yeas 17, Nays 12.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Arnold Barclay Bibb Borough Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Larkins Moore Perkins Phillips and Vining.

Those who voted in the negative, are Messrs Ashe Boyd Brodnax Hemphill Keener Lane McVay Nabors Scott Wallace Walthall and Wilkinson.

A bill to be entitled an act, pointing out the mode of appointing inspectors of elections and for other purposes, was read a second time, and referred to the committee on the judiciary.

*Wednesday, December 17, 1834.*—The Senate met pursuant to adjournment.

Mr Morton presented the petition of sundry citizens of Huntsville, praying the passage of a law, to emancipate a free man of color named Joseph Comyns; which was referred to a special committee consisting of Messrs Morton Vining and Barclay.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several and passed a bill of the following title, viz: An act to incorporate the trustees of the Sims' settlement library company. In which they ask the concurrence of your honorable body.

Mr Keener presented the petition of Paddy Carr and Thomas Carr, praying the passage of a law, to make them competent witnesses in the courts of record in this State; which was referred to a special committee, consisting of Messrs Keener, Brodnax and Wallace.

Mr Nabors moved to reconsider the vote, on the passage of the bill, to be entitled an act, to establish a branch of the Bank of the State of Alabama at —; which was carried.—Yeas 18, nays 8.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Arnold Barclay Bibb Borough Boyd Brown Chapman Hogan Irwin of H. Johnson Keener Larkins Moore Morton Nabors Phillips and Vining.

Those who voted in the negative, are Messrs Ashe Brodnax Hemphill Lane McVay Scott Wallace and Walthall.

On motion of Mr Vining, the bill was made the special order of the day for to morrow.

Mr Brodnax, from the committee on county boundaries, to whom was referred a bill to be entitled an act, to attach a part of the county of Talladega, to the county of Randolph, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to morrow.

On motion of Mr McVay, *Resolved*, that the judiciary committee be instructed to inquire into the tenure, by which the Receiver and Register of the Land Office at Courtland hold their offices; whether it is compatible to abolish one or both of these offices, and to require the duties of both to be performed by one officer; and whether it is not proper to reduce the salaries of those officers, and that they report by bill or otherwise.

On motion of Mr Brown, *Resolved*, that the committee on military affairs inquire into the expediency of repealing the law, allowing compensation to the Adjutant General, and that they report by bill or otherwise.

On motion of Mr Johnson, Mr Barclay was added to the committee on county boundaries. On motion of Mr Barclay, Mr Johnson was added to the same committee.

Mr Johnson, from the committee on roads, bridges and ferries, to whom

was referred a bill to be entitled an act, to authorize John S. Brooks and his associates, to turnpike a road therein named, reported the same with an amendment thereto, by providing that no citizen of Blount county shall be compelled to pay toll at any gate on said road; which amendment was disagreed to; and on motion of Mr Chapman, the bill was referred to a special committee consisting of messrs Chapman, Johnson and Vining.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a resolution, instructing them to inquire into the expediency of repealing the law which requires all actions brought before justices of the peace, to be brought in the beat in which the defendant resides, together with the petition of sundry citizens of Pickens county on the same subject, reported that it is inexpedient to pass said law; which was laid on the table.

Mr Erwin of G. from the same committee to whom was referred the petition of William T. Weldon of Blount county, praying the passage of an act to authorize the sale of certain real estate, reported that it is inexpedient to grant the prayer of the petitioner; that the committee feel satisfied, that the case presented by the petition, is one in which the general assembly have no right or power to interfere, and that the passage of an act, pursuant to the prayer of the petitioner, would be nugatory, and any title derived by purchase under such an act, unsound and worthless; which was laid on the table.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the petition of Willis Pope of Greene county, made the following report; which was concurred in, viz:

The committee on the judiciary, to whom was referred the petition of Willis Pope, of Greene county, praying the passage of an act, to authorize and empower him, as the administrator of Nicholas G. Hill, deceased, to sell certain real estate, lying in the town of Demopolis, in the county of Marengo, have had the same under consideration, and have instructed me to report, that it is inexpedient to grant the prayer of the petitioner. The case presented by the petition, is certainly one of some degree of hardship, but not more so than frequently occurs; and if the legislature could, by a summary means of a private special act, authorize the sale of real estate, belonging to infant heirs, all their rights would be rendered unsafe and insecure. Whenever it is necessary to sell real estate for the purpose of paying the debts of any testator or intestate, or more fairly and equally distributing it amongst his heirs, sufficient provision is already made by law for that purpose, by an application of the executor or administrator, by petition to the orphan's court of the county in which letters or of administration, or testamentary have been granted. This mode is greatly preferable to an application to the legislature, for by it, the heirs who are interested, and whose rights are concerned, are required to have ample notice. If under age, guardians are required to be appointed, whose particular duty it is made to protect the rights and interests of their wards. When a sale is prayed, for the purpose of distribution, the court has to be satisfied, that the estate cannot be fairly, equally and beneficially divided amongst the heirs, to whom it belongs, without a sale of the same; and if for the payment of debts, the court has also to be satisfied, that such sale is necessary: after all which, when a sale is awarded in such manner as will best secure the interests of the parties, the executor or administrator has to give additional security, before he can get the proceeds of the same into his hands. In extraordinary cases, and under peculiar circumstances, when the jurisdiction of the orphan's court might be found defective, an application to a court of chancery, where powers of relief are very comprehensive, might be resorted to; and as infants are always the favorites of these courts, they would carefully provide the proper means for their protection, and permit nothing to be done to their detriment or prejudice. Besides, these objections growing out of considerations of prudence and expediency, the committee are disposed to believe, that the general assembly have no power to pass acts, to divest the rights of infants, who are incapable of giving any assent to such a course. In all which, they respectfully ask the concurrence of the Senate.

The engrossed bill to be entitled an act to incorporate the trustees of the Sims' settlement library company was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, was read a second time and referred to a special committee consisting of messrs Lane Scott and Vining.

An engrossed bill to be entitled an act to limit the president and directors of the branch of the Bank of the State of Alabama at Mobile and for other purposes, was read a third time and laid on the table until to-morrow,

An engrossed bill to be entitled an act to revive an act, entitled an act to

incorporate the town of Pikeville in the county of Marion, was read a third time and passed. On motion of Mr. Moore, the title of said bill was amended by adding thereto the words, "and for other purposes."

An engrossed bill to be entitled an act to authorise the taking of the stock reserved to the State, by the act to increase the capital of the Mobile Bank, was read a third time and passed — Yeas 20, Nays 8.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Borough Brodnax Brown Burke Chapman Hemphill Hogan Irwin of H. Keener Lane Larkins Morton Perkins Phillips and Scott.

Those who voted in the negative, are Messrs Boyd Erwin of G. McVay Moore Nabors Vining Wallace and Walthall.

An engrossed bill to be entitled an act for the relief of T. B. Bethea, was read a third time and passed. The title of said bill was, on motion of Mr Burke, amended by adding thereto the words, "and for other purposes."

A bill to be entitled an act to provide an additional remedy against constables for failing to return executions, was read a second time, and referred to a special committee consisting of Messrs Morton, Wallace and Moore.

Mr Wallace introduced a bill to be entitled an act to change the name of Louisa Blankenship and for other purposes; which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith, and referred to the committee on the judiciary.

On motion of Mr Keener, *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of passing a law, making it the duty of the clerks of the several courts in this State, to issue executions within thirty days after the judgment, in their respective courts, with leave to report by bill or otherwise.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Thursday, December 18th, 1834.*—A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have adopted the following resolution: *Resolved*, That with the concurrence of the Senate, the two Houses will meet on Friday next, to go into the election of four members, to fill vacancies which have occurred in the medical board of North Alabama, as soon as the election for a Judge of the 8th judicial circuit shall have been disposed of. In which they ask the concurrence of your honorable body. They have also read three several times and passed bills of the following titles, viz: An act for the relief of William Dunlap; an act for the relief of Sarah Ward. In which they ask the concurrence of your honorable body.

Mr Hogan presented the memorial of Henry Hitchcock, John Elliot, George S. Gaines, Philip McLosky, William R. Hallett, and thir associates, praying the passage of an act to incorporate the Alabama Life Insurance and Trust Company, together with a bill; which were laid on the table, and thirty copies ordered to be printed for the use of the Senate.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, joint resolutions requesting the Hon. Gabriel Moore to resign his seat in the Senate of the United States; which were accordingly signed by Mr President.

Mr Johnson from the select committee to whom was referred the petition of sundry citizens of Blount and Jefferson counties, praying the passage of a law to authorise Solomon Palmer of Blount county to practice medicine, reported a bill to be entitled an act to authorise Solomon Palmer of Blount county to practice medicine in the counties of Blount and Jefferson; which was read and ordered to a second reading on to-morrow.

Mr Irwin of H. moved to take from the table, the report of the Secretary of State, transmitting the return of the vote on the penitentiary question;

which was carried, and one hundred and twenty copies of said document ordered to be printed for the use of the Senate.

Mr McVay introduced a bill to be entitled an act, to revive, alter and amend an act to incorporate the town of Demopolis, in Marengo county, passed December 15th, 1821; which was read and ordered to a second reading on to-morrow.

Mr Arnold introduced a bill to be entitled an act to protect settlers on Indian reservations from evictions therefrom and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Hogan introduced a bill to be entitled an act to incorporate the Spring-hill college in the county of Mobile; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time and referred to the committee on education.

Mr Wallace introduced a bill to be entitled an act, in relation to the duties of Judges of the county courts, and for other purposes; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time and referred to the committee on the judiciary.

Mr Chapman from the special committee to whom was referred a bill to be entitled an act to authorise John S. Brooks and his associates to turn-pike a road therein named, reported an amendment thereto, by way of an additional section; which was concurred in. Mr Johnson moved to amend the bill by providing that no gate shall be put up in the county of Blount; which was lost, and then the bill was ordered to be engrossed for a third reading on to-morrow.

A message from the Governor by Mr Webster, Secretary of State. Mr President: his excellency the Governor has requested me to inform your honorable body, that he has approved of and signed the following bill, viz: An act to incorporate the subscribers to the Alabama, Florida and Georgia rail road company.

Mr Irwin of H. from the special committee to whom was referred the bill to be entitled an act, concerning the taxes on cattle, reported the same without amendment, and recommended its passage, and the bill was read a third time and passed.

Mr Wallace introduced a bill to be entitled an act to compensate Argyle Campbell, for prosecuting slaves in the county of Lawrence; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith, and referred to the committee on accounts and claims.

Mr McVay from the committee on propositions and grievances, to whom was referred the petition of Thomas Allison of Greene county, reported a bill to be entitled an act for the relief of Thomas Allison; which was read, and ordered to a second reading on to-morrow.

Mr Lane from the special committee to whom was referred the bill to be entitled an act to incorporate the trustees of the Sims' Settlement Library Company, reported an amendment thereto, by inserting after the word "Samuel" the letter "M;" which was agreed to and the bill read a third time and passed.

Mr Hogan introduced a bill to be entitled an act to incorporate the Mobile Cotton Press and Building Company; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time and referred to a special committee consisting of Messrs Hogan, Burke and Moore.

Mr Boyd from the special committee to whom was referred a bill to be



entitled an act, regulating the circuit courts of Bibb county, reported the same without amendment, and the bill was ordered to a third reading on to-morrow.

**Mr Burke** presented the petition of Sarah McMillan and James Dunn, administrator and administratrix of James McMillan, deceased, praying the passage of a law to authorise them to sell certain real estate; which was referred to the committee on the judiciary.

On motion of Mr Morton, the joint resolution proposing the Hon. Hugh L. White, as a suitable person for the Presidency of the United States, were taken from the table, and referred to a special committee, consisting of Messrs Perkins, Morton and McVay.

The bill from the House of Representatives, to be entitled an act for the relief of Sarah Ward, was read and ordered to a second reading on to-morrow.

A bill from the House of Representatives, to be entitled an act for the relief of William Dunlap, was read and ordered to a second reading on to-morrow.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Friday, December 19.*—The Senate met pursuant to adjournment.

**Mr Hogan**, from the committee on the State Bank, to whom was referred a resolution, instructing them to inquire into the expediency of passing an act, to prevent any note shaver from acting as president or director of the Bank of the State of Alabama, or either of its branches, reported that each president and director is required to take an oath, before he enters on the discharge of his duties, to support the act regulating the rate of interest, passed December 17, 1819, and any person convicted of violating that act, is forever disqualified to act as a director, and forfeits his seat. The committee believe that ample provision already exists by law, to prevent a note shaver from any office in any of the Banks in this State, and beg leave to be discharged from the further consideration of the subject. *Ordered*, that the said committee be discharged.

**Mr Hogan**, from the committee on the State Bank, to whom was referred a resolution, instructing them to inquire into the expediency of increasing the salaries of the Cashier and Teller of the branch Bank at Decatur; and also the salary of the Teller of the Bank of the State of Alabama; and also, further to inquire into the expediency of providing an additional number of book-keepers in the branch Bank at Mobile, reported a bill to be entitled an act to amend the charter of the Bank of the State of Alabama and for other purposes; which was read and ordered to a second reading on to-morrow.

**Mr Vining** from the committee on enrolled bills, reported as correctly enrolled, acts of the following titles, viz: An act further to amend an act to incorporate the Indian Creek navigation company, passed December 21st, 1820; an act to repeal the act, entitled an act, providing additional compensation for the Judge of the county court of Baldwin county; which were accordingly signed by the President.

**Mr Brodnax** presented the petition of the citizens of township 18, range 12, in Autauga county, praying the passage of a certain law therein named; which was referred to a special committee, consisting of Messrs Brodnax, Chapman and Phillips.

The resolution from the House of Representatives proposing to go into the election of four members of the medical board of North Alabama, was amended by striking out the words "Friday next," and inserting "to-morrow at 11 o'clock;" and concurred in.

Mr Hogan from the special committee to whom was referred a bill to be entitled an act to incorporate the Mobile cotton press and building company, reported the same without amendment, and recommended the passage of the bill. *Ordered*, that the bill be engrossed for the third reading on to-morrow.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act, to regulate the collection of the University debts, reported an amendment thereto, by striking out all after the word "of," in the third line of the fourth section, and inserting "five per cent. to be calculated on the amount of money which the present agent shall or may receive, on any such settlement with any former agent or agents." On motion of Mr Perkins, the bill and amendments were laid on the table.

Mr Perkins offered the following resolution: *Resolved*, that the president of the board of trustees, be requested to furnish the Senate with such information, in relation to the mode and amount of compensation, allowed the agent of the trustees of the University of Alabama, and also, what duties are now required to be performed by said agent, and what by the Secretary of said board; and that the information requested, be furnished at as early a period as can be conveniently done: which was adopted.

The bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ———— was laid on the table until to-morrow.

Mr Morton introduced a bill to be entitled an act to prevent the retailing of spirituous liquors in the town of La Grange, in Franklin county, which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time and referred to the committee on the judiciary.

A bill to be entitled an act to amend the militia laws of this State, was read a second time and laid on the table.

Mr Wallace from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, viz: An act to amend an act, passed 16th December, 1833, to revive and continue in force an act to incorporate the town of Selma in the county of Dallas; an act to repeal in part, an act, entitled an act, making it the duty of commissioners of roads and revenue, to select one quarter section of land for the use of said counties; an act to authorise certain officers therein named, to keep their offices at Columbia, in the county of Henry; an act to authorise the militia officers of Barbour county to establish two company beats, with a less number than forty privates; an act to authorise the establishment of two company beats in the county of Russell, with a less number than forty privates; an act to repeal an act, passed January 14th, 1834; an act to provide for drawing jurors to serve in the circuit courts of Dallas county; an act to repeal in part and amend in part, an act entitled an act to provide a fund for compensating the grand and petit jurors of Marion county, approved on the 16th of January, 1834.

A bill to be entitled an act to amend the charter of the branch of the Bank of the State of Alabama at Mobile, was read a second time and referred to the committee on the State Bank.

A bill to be entitled an act to repeal an act, for the improvement of a road therein named, was read a second time, and referred to a special committee, consisting of Messrs Hemphill, Hogan and Wilkinson.

Mr Morton, from the special committee, to whom was referred the petition of sundry citizens of Huntsville, praying the emancipation of Joseph Comyns, a free man of color, reported a bill to be entitled an act for the relief of Joseph Comyns; which was read the first time and laid on the table until to-morrow.

A message from the House of Representatives by Mr Frierson.—Mr President: The House of Representatives have adopted the following resolution: *Resolved*, That the Senate be informed that this House is now ready to receive them, for the purpose of going into the election of a Judge of the 8th judicial circuit, to fill the vacancy occasioned by the death of the Hon. John W. Paul.

The Senate having repaired to the Hall, the two Houses then proceeded to the election of a Judge. William D. Pickett, James B. Clark and Edwin R. Wallace being in nomination.

Those who voted for Mr Pickett, are messrs Ashe Arnold Bibb Brown Burke Irwin of H. Johnson Keener Larkins McVay Moore Morton Nabors Perkins and Scott of the Senate.—messrs Speaker Bowin Cantley Carmack Clough Coffey Cottrell Curtis Dent Dubose Evans Farrar Frierson Gilbreath Gilmer Greer Henderson Hill Hollis Jones of J. Jones of T. King Lewis Loyd Massey May McAlpin McLemore Murphy Oliver Patton Pratt Rains Rodgers Sims Snodgrass Sossaman Tate Taylor Thompson Walker Ward Warren Williams Wynn and Young of L. of the House.

Those who voted for Mr Clark, are messrs President Barclay Borough Boyd Erwin of G. Hogan Phillips and Vining of the Senate.—messrs Barron Bagby Calhoun Clark Davis Fleming Gayle Horton Jackson Johnson Lea McCarty McHenry Porter Scott Shields Shortridge Sterrett and Stone of the House.

Those who voted for Mr Wallace, are messrs Brodnax Chapman Hemphill Lane Wallace and Walthall of the Senate.—messrs Armbrister Burt Glascock Houston Lane McCord Miree Owen Phelan Rather Richardson Roberts Robertson Sallee Sanders Seabury Simmons Wallis Womack and Young of J. of the House.

Mr Pickett having received a majority of the whole number of votes, Mr Speaker declared him duly elected Judge of the 8th judicial circuit.

The election being over, the Senate withdrew, repaired to their own Hall, and Mr President resumed the chair.

Mr Morton moved that the Senate adjourn until to-morrow morning, nine o'clock; which was lost.—Yeas 2, Nays 25.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Scott and Vining.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Morton Nabors Phillips Wallace and Walthall.

The engrossed bill to be entitled an act to authorise the issuance of executions in certain cases, was read a third time and passed. On motion of Mr Wallace the title of said bill was amended, by adding thereto the words, "and for other purposes."

The joint resolutions proposing an amendment to the constitution of the State of Alabama, so as to authorise the election of Judges of the county courts by the qualified electors of each county, was read a second time and laid on the table until Monday next.

An engrossed bill to be entitled an act to amend the charter of the Bank of the State of Alabama and the several branches thereof, was read a third time and passed.

A bill to be entitled an act to extend the corporate limits of the town of East Wetumpka and for other purposes, was read a second time and ordered to be engrossed for a third reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to discontinue in part a certain road therein named, was read a second time and ordered to a third reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to divorce Edward Newsom from his wife Matilda Newsom, was read a second time and referred to the committee on divorce and alimony.

An engrossed bill from the House of Representatives to be entitled an act to declare Mud creek a public highway, was read a second time and ordered to a third reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to divorce James Munnerlyn from his wife Jane Munnerlyn, was read a second time and referred to the committee on divorce and alimony.

An engrossed bill from the House of Representative to be entitled an act to change the name of Thomas Nevil, was read a second time and ordered to a third reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act, relating to the estate of George W. Cummings, was read a second time and referred to the committee on the judiciary.

Mr Wallace moved to take from the table, the bill to be entitled an act to change the name of an legitimate, Preston Newberry; which was carried, and the bill read a third time and passed.—Yeas 14, Nays 10.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Barclay Boyd Brodnax Burke Chapman Keener McVay Moore Perkins Vining Wallace and Walthall.

Those who voted in the negative, are Messrs Arnold Bibb Borough Erwin of G. Hogan Irwin of H. Lane Larkins Nabors and Phillips.

An engrossed bill from the House of Representatives to be entitled an act to permit the selling of beer and cider, was read a second time. Mr McVay moved to strike out the word “half;” which was carried, and the bill ordered to a third reading on to-morrow.

A bill to be entitled an act to amend and explain the law in relation to the probate of deeds and relinquishment of dower, was read a second time. Mr Moore moved to amend the bill by adding thereto two additional sections; which was carried, and the bill ordered to be engrossed for a third reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to compensate jurors in the county of Tuscaloosa, was read a second time and ordered to a third reading on to-morrow.

Mr Lane offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of repealing the law authorising persons to change their names, by filing a petition before the circuit and county courts of this State; which was rejected.—Yeays 5, Nays 18.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Borough Erwin of G. Lane Nabors and Vining.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Boyd Brodnax Burke Chapman Irwin of H. Keener Larkins McVay Moore Perkins Phillips Wallace and Walthall.

An engrossed bill from the House of Representatives to be entitled an act, making compensation to garnishees, was read a second time and referred to the committee on the judiciary.

An engrossed bill from the House of Representatives to be entitled an act to attach that part of St. Clair, east of the Coosa river, to a certain point to Benton county, was read a second time and referred to the committee on county boundaries.

An engrossed bill from the House of Representatives to be entitled an act to repeal an act therein named, was read the second time and ordered to a third reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to change the name of a certain person therein named and for other purposes, was read the second time and ordered to a third reading on to-morrow.

An engrossed bill from the House of Representatives to be entitled an act to divorce James D. Bradley from his wife Henrietta Bradley, was read a second time and referred to the committee on divorce and alimony.

An engrossed bill from the House of Representatives to be entitled an

act to establish a State road from the town of Tuscaloosa to Mobile, by way of Foster's ferry on the Warrior river, Springfield, Daniels' Prairie, Livingston, and Washington court house, was read a second time and ordered to a third reading on to-morrow.

A bill to be entitled an act for the relief of Matthew Roberts and others, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

An engrossed bill to be entitled an act, more effectually to provide for the election of justices of the peace and constables, was read a third time and passed.

An engrossed bill to be entitled an act to incorporate the Mobile Ice Company, was read a third time and passed.

An engrossed bill to be entitled an act to attach a part of the county of Talladega to the county of Randolph, was read a third time and passed.—Yeas 23, Nays 1.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Ashe Arnold Bibb Borough Boyd Brodnax Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Lane Larkins McVay Moore Nabors Perkins Phillips Vining Wallace and Walthall.

Mr Barclay voted in the negative.

A bill to be entitled an act to protect settlers on Indian reservations from evictions therefrom and for other purposes, was read a second time and referred to the committee on the judiciary.

An engrossed bill from the House of Representatives to be entitled an act concerning the taxes on cattle, was read a third time and laid on the table.

A bill to be entitled an act to authorise Solomon Palmer of Blount county to practice medicine in the counties of Blount and Jefferson, was read a second time. Mr Lane moved to amend the bill by inserting the words and his associates after the name of Solomon Palmer; which was lost. Mr Boyd moved to amend the bill by adding thereto the following proviso: "provided the provisions of the above act shall not continue in force for a longer time than four years;" which was carried. Mr Arnold moved to refer the bill to a special committee, with instructions to inquire into the expediency of repealing the law establishing a medical board for this State; which was carried, and Messrs Arnold, Phillips, Erwin of G. Johnson and Boyd, appointed said committee.

A bill from the House of Representatives to be entitled an act for the relief of Sarah Ward, was read a second time and referred to the committee on the judiciary.

A bill from the House of Representatives to be entitled an act for the relief of William Dunlap, was read a second time and referred to a special committee, consisting of Messrs Arnold, Erwin of G. Johnson, Phillips and Boyd.

A bill to be entitled an act, to revive, alter and amend an act to incorporate the town of Demopolis, in Marengo county, passed December 15th, 1821, was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill from the House of Representatives to be entitled an act to regulate the circuit courts of Bibb county, was read a third time and passed.

A bill to be entitled an act for the relief of Thomas Allison, was read a second time and ordered to be engrossed for a third reading on to-morrow.

An engrossed bill to be entitled an act to authorise John S. Brooks and his associates, to turnpike a road therein named, was read a third time and passed.—Yeas 21, Nays 2.

Those yeas and nays being desired, those who voted in the affirmative, are Messrs President, *Mr Barclay, Bels, Borough, Boyd, Brothart, Burke, Chapman, Erwin of G., Fenn, H., Kneer, Lane, Larkin, McVay, Moore, Perkins, Phillips, Yining, Wallace and Walthall.*

Those who voted in the negative, are Messrs Johnson and Nabers.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Saturday, December 20th, 1834.*—The Senate met pursuant to adjournment.

Mr Hogan from the committee on the State Bank to whom was referred a resolution, instructing them to inquire into the expediency of creating a sinking fund out of the profits of the State Bank and its several branches, for the purpose of paying off the State bonds as they fall due, reported a bill to be entitled an act, to create a sinking fund, for the ultimate redemption of the State bonds; which was read, and ordered to a second reading on Monday next.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the petition of Sarah McMillan and Thomas Dunn, administratrix and administrator of James McMillan, deceased, praying the passage of an act, to authorise them to sell or exchange certain land belonging to the estate of their intestate, reported that it is inexpedient to grant the prayer of the petitioners; which was concurred in.

Mr Erwin of G. from the same committee, to whom was referred a bill to be entitled an act to change the name of Louisa Blankenship, and for other purposes, reported the same without amendment. *Ordered*, that the bill be engrossed for a third reading on Monday next.

Mr Erwin of G. from the same committee, to whom was referred the petition of James Moore, executor of the last will and testament of his father, &c. praying the passage of an act, authorising him to remove certain personal property, belonging to the estate of his testator, to the State of Mississippi, reported that it is inexpedient to grant the prayer of the petitioner; which was laid on the table.

Mr Walthall from the committee on roads, bridges and ferries, to whom was referred a bill to be entitled an act, for the relief of the heirs and legal representatives of John Byler, deceased, reported the same without amendment, and recommended its passage. *Ordered*, that said bill be engrossed for a third reading on Monday next.

Mr Walthall from the same committee, to whom was referred a bill to be entitled an act, to permit Bryant Rushing to establish and keep a ferry therein named, reported the same without amendment. *Ordered*, that said bill be engrossed for a third reading on Monday next.

Mr Walthall from the same committee, to whom was referred an engrossed bill from the House of Representatives, to be entitled an act to authorise John C. Keziah to make a turnpike road in Benton county, reported the same without amendment. *Ordered*, that said bill be read a third time on Monday next.

Mr Morton from the special committee, to whom was referred a bill to be entitled an act to provide an additional remedy against constables for failing to return executions, reported an amendment thereto, by way of an additional section; which were concurred in, and the bill ordered to be engrossed for a third reading on Monday next.

Mr Hogan from the special committee, to whom was referred the engrossed joint resolutions from the House of Representatives of the general assembly of the State of Alabama, against a recharter of the Bank of the United States, reported an amendment thereto, by striking out all of said resolution, after the word *convened*, and inserting the four following, viz:



1st. That it is the opinion of this general assembly, that the act of Congress incorporating the subscribers to the capital stock of the "Bank of the United States," is unconstitutional, and ought not to be renewed.

2d. *And be it further Resolved*, as the opinion of this general assembly, that the removal of the public monies from the custody of the Bank of the United States, was authorised by the charter of said Bank.

3d. *And be it further Resolved*, That whatever difference of opinion may have existed as to the policy of the removal of the public deposits, it is the opinion of this general assembly, that the restoration of the public funds to the custody of the United States Bank, would be unwise, unnecessary, and injurious to the best interests of the people of these United States.

4th. *And be further Resolved*, That his excellency the Governor, be requested to forward a copy of these resolutions to our Senators and Representatives in the Congress of the United States.

It having been desired, the question on the adoption of the resolutions was taken separately, upon each one. The first resolution was adopted.—Yeas 27.

The yeas and nays being desired, those who voted in the affirmative, are messrs President Ashe Arnold Barclay Borough Boyd Bibb Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Morton Nabors Phillips Scott and Walthall.

There was no dissenting voice.

The question was then taken on the adoption of the second resolution, and decided in the affirmative.—Yeas 20, Nays 7.

The yeas and nays being desired, those who voted in the affirmative, are messrs President Ashe Arnold Barclay Borough Boyd Brown Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Lane Larkins McVay Moore Nabors Perkins and Vining.

Those who voted in the negative, are messrs Brodnax Bibb Keener Morton Phillips Scott and Walthall.

The question was then taken on the third resolution and decided in the affirmative. Yeas 23, Nays 5.

The yeas and nays being desired, those who voted in the affirmative, are messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Lane Larkins McVay Moore Nabors Perkins Phillips and Vining.

Those who voted in the negative, are messrs Brodnax Keener Morton Scott and Walthall.

The question was then taken on the 4th resolution, and carried.

Mr Erwin of G. moved to amend by adding the following resolution: "*And be it further Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to exert themselves to procure the passage of an act to regulate and secure the deposite of the public monies, in such places as Congress shall deem most expedient and proper, other than the Bank of the United States;" which was carried, and the resolutions read a third time and passed.

A message from his excellency the Governor.

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, December 19th, 1834. }

I have the honor to inform the general assembly, that a vacancy in the board of physicians established at Claiborne, has occurred by the death of Doctor William A. Stewart, which by the act of 1830, has to be filled by the joint vote of the Senate and House of Representatives.

JOHN GAYLE.

*Ordered*, That said communication be laid on the table.

A message from the House of Representatives by Mr Frierson. Mr

President: the House of Representatives have adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will proceed this day at the hour of 11 o'clock, to the election of a member of the medical board of the first judicial circuit, to supply the vacancy occasioned by the death of Doctor William A. Stewart. On motion of Mr Hogan, the resolution was amended by adding thereto the words "and also to elect a member of the medical board in the city of Mobile, to supply the vacancy occasioned by the removal of Doctor Webb from the State." And then the resolution was concurred in. *Ordered*, that the Secretary acquaint the House therewith.

A message from the House of Representatives by Mr Tunstall. Mr President: the House of Representatives concur in the amendment made by the Senate to the resolution, proposing to go into the election of a member of the medical board in the first judicial circuit.

Mr Phillips introduced a bill to be entitled an act to change the times of holding the circuit courts of the second judicial circuit; which was read, and the constitutional rule requiring bills and joint resolutions being suspended, was read a second time forthwith, and referred to a special committee, consisting of the Senators from the second judicial circuit.

Mr Hemphill from the special committee to whom was referred a bill to be entitled an act to repeal an act for the improvement of a road therein named, reported the same without amendment. *Ordered*, that said bill be engrossed for a third reading on Monday next.

The engrossed bill from the House of Representatives to be entitled an act to establish a State road from the town of Tuscaloosa to Mobile, by way of Foster's ferry on the Warrior river, Springfield, Daniel's Prairie, Livingston and Washington court house, was read a third time and passed.

The engrossed bill from the House of Representatives to be entitled an act to change the name of a certain person therein named and for other purposes, was read a third time and passed.

The engrossed bill from the House of Representatives to be entitled an act, to repeal an act therein named, was read a third time and laid on the table until Monday next.

A message from the House of Representatives by Mr Tunstall. Mr President: the House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now invited to assemble in the Representative Hall for the purpose of electing four members of the medical board in the town of Huntsville.

The Senate having repaired to the Hall of the House of Representatives, the two Houses then proceeded to the election of a medical board at Huntsville. William H. Wharton, E. S. Gantt, Thomas S. Malone, Thomas Fearn, John H. Woodecock and Solomon Palmer being in nomination.

Those who voted for Mr Wharton, are Messrs President Ashe Arnold Borough Brodnax Brown Chapman Hemphill Keener Moore Morton and Phillips of the Senate: Messrs Bagby Bowin Burt Cantley Clark Coffey Davis Evans Farrar Fleming Gayle Gilbreath Gilmer Glascock Greer Henderson Hollis Houston Jackson Johnson Jones of J. Jones of T. Lane Lea Lewis Massey May McCord McHenry McLemore Miree Oliver Patton Phelan Rains Rather Richardson Robertson Rodgers Sallee Sanders Seabury Shortridge Sims Sossaman Sterrett Stone Tate Taylor Thompson Wallis Ward Warren Williams Womack Wooldridge Wynn and Young of J. of the House.

Those who voted for Mr Gantt, are Messrs Ashe Arnold Barclay Borough Boyd Brown Burke Erwin of G. Hemphill Hogan Irwin of H. Johnson Larkins McVay Moore Nabors Perkins Phillips Scott Vining and Walthall of the Senate: Messrs Speaker Armbrister Barron Carmack Clark Curtis Dent Dubose Farrar Frierson Gilbreath Houston Jackson Johnson Jones of J. King Lane Lewis Loyd Massey May McAlpin McCord McHenry Murphy Owen Patton Phelan Pratt Rains Rather Richardson Robertson Rodgers Sallee Sanders Seabury Shields Shortridge Sims Sned-

**Wass Sossaman Sterrett Walker Wallis Warren Williams Womack Woodbridge Young of J. and Young of L. of the House.**

Those who voted for Mr Malone, are messrs President Arnold Barclay Borough Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Keener Lane Larkins McVay Nabors Perkins Scott Vining and Walthall of the Senate: messrs Speaker Armbrister Barron Bagby Bowin Burt Cantley Carmack Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Jones of J. Jones of T. King Lewis Massey May McAlpin McCord McLemore Miree Murphy Oliver Owen Patton Phelan Pratt Rather Richardson Sanders Shields Sims Snodgrass Sossaman Stone Tate Taylor Thompson Walker Ward Warren Woodbridge Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Fearn, are messrs President Ashe Arnold Barclay Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Morton Nabors Perkins Phillips Scott Vining and Walthall of the Senate: messrs Speaker Armbrister Barron Bagby Bowin Burt Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Gilmer Glascock Greer Henderson Hill Hollis Houston Jackson Johnson Jones of J. Jones of T. King Lane Lea Massey May McAlpin McCord McHenry McLemore Miree Murphy Oliver Owen Patton Phelan Pratt Rains Richardson Robertson Rodgers Seabury Shields Shortridge Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Woodbridge Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Woodcock, are messrs President Ashe Barclay Boyd Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Morton Nabors Perkins Phillips and Vining of the Senate: messrs Speaker Armbrister Barron Bagby Bowin Burt Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Fleming Gayle Gilmer Glascock Greer Henderson Hill Hollis Houston Jackson Johnson Jones of T. King Lane Lea Lewis McAlpin McHenry McLemore Miree Murphy Oliver Owen Pratt Rains Rather Robertson Rodgers Sallee Seabury Shields Shortridge Snodgrass Sterrett Stone Tate Taylor Thompson Walker Wallis Williams Womack Wynn and Young of L. of the House.

Those who voted for Mr Palmer, are Messrs Brodnax Lane Morton Scott and Walthall, of the Senate.

Messrs Malone, Fearn and Woodcock having received the highest number of votes, Mr Speaker declared them elected members of the medical board at Huntsville.

The two Houses then proceeded to the election of one other member of the medical board at Huntsville, Messrs Wharton and Gantt being in nomination.

Those who voted for Mr Wharton, are messrs President Brodnax Brown Hemphill Keener McVay Moore Morton Phillips and Walthall of the Senate: Messrs Barron Bowin Burt Cantley Coffey Cottrell Davis Dent Farrar Fleming Gayle Gilmer Glascock Henderson Hill Hollis Lea Lewis Massey May McHenry McLemore Miree Oliver Phelan Pratt Sallee Sossaman Stone Tate Taylor Thompson Warren and Wynn of the House.

Those who voted for Mr Gantt, are Messrs Ashe Barclay Borough Boyd Hogan Irwin of H. Lane Larkins Nabors Perkins Scott and Vining of the Senate: messrs Speaker Armbrister Barron Carmack Clark Clough Dubose Evans Frierson Greer Houston Jackson Johnson Jones of J. Jones of T. King Lane Loyd McAlpin McCarty McCord Murphy Owen Rather Richardson Roberts Rodgers Sanders Seabury Shields Sims Snodgrass Walker Wallis Ward Williams Womack Young of J. and Young of L. of the House.

Mr Gantt having received a majority of the whole number of votes, Mr Speaker declared him duly elected a member of the medical board at Huntsville.

The two Houses then proceeded to the election of a member of the medical board at Claiborne, William M. Huntington alone being in nomination.

Those who voted for Mr Huntington, are Messrs President Ashe Barclay Borough Boyd Brodnax Brown Erwin of G. Hogan Keener Lane Larkins McVay Moore Morton Nabors Perkins Phillips Vining and Walthall of the Senate: messrs Speaker

Armistister Barron Bagby Bowin Burt Calhoun Cantley Carmack Clark Clough Coffey Cottrell Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilmer Glascock Greer Henderson Hill Houston Johnson Jones of J. Jones of T. King Lane Lea Lloyd Massey May McAlpin McCarty McCord McHenry McLemore Miree Murphy Oliver Owen Patton Phelan Pratt Richardson Robertson Rodgers Sallee Sanders Seabury Shields Sims Snodgrass Sossaman Sterrett Tate Taylor Thompson Walker Wallis Ward Williams Womack Wynn and Young of L. of the House.

Mr Huntington having received a majority of the whole number of votes, Mr Speaker declared him duly elected a member of the medical board at Claiborne.

The two Houses then proceeded to the election of a member of the medical board at Mobile. Richard L. Fearn alone being in nomination.

Those who voted for Mr Fearn, are Messrs President Ashe Barclay Borough Boyd Brodnax Brown Erwin of G. Hogan Irwin of H. Keener Larkins McVay Moore Morton Nabors Perkins Phillips Vining and Walthall of the Senate. Messrs Speaker Barron Bagby Bowin Burt Calhoun Cantley Carmack Clark Clough Coffey Cottrell Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilmer Glascock Greer Henderson, Hill Hollis Houston Johnson Jones of J. Jones of T. King Lane Lea Lewis Lloyd Massey May McAlpin McCarty McCord McHenry McLemore Miree Murphy Oliver Owen Patton Phelan Pratt Rather Richardson Robertson Rodgers Sallee Sanders Seabury Shields Sims Snodgrass Sossaman Sterrett Tate Taylor Thompson Walker Wallis Ward Williams Womack Wynn Young of J. and Young of L. of the House.

Richard L. Fearn having received a majority of the whole number of votes given, Mr Speaker declared him duly elected a member of the medical board at Mobile.

The elections being over, the Senate withdrew, repaired to their own Hall, and Mr President resumed the chair.

Mr Walthall from the special committee to whom was referred an engrossed bill from the House of Representatives, reported the same with an additional section as an amendment thereto; which was concurred in, and the bill read a third time and passed.

Mr Erwin of G. introduced a bill to be entitled an act to allow a change of venue in certain cases, not already provided for by law; which was read a first and second time, and referred to the committee on the judiciary.

An engrossed bill to be entitled an act to incorporate the Mobile cotton press and building company, was read a third time and passed.

Mr Walthall introduced joint resolutions, proposing an amendment to the constitution of the State of Alabama, so as to limit the sessions of the legislature to thirty legislative days; which were read and ordered to a second reading on Monday next.

On motion of Mr Irwin of H. the engrossed bill from the House of Representatives to be entitled an act, concerning the taxes on cattle, was taken from the table, put on its passage, and rejected.—Yeas 10, Nays 14.

The yeas and nays being desired, those who voted in the affirmative, are Messrs President Boyd Brodnax Brown Erwin of G. Hemphill Hogan Irwin of H. Keener and Walthall.

Those who voted in the negative, are Messrs Ashe Arnold Barclay Borough Chapman Johnson McVay Moore Morton Nabors Perkins Phillips Scott and Vining.

Mr Erwin of G. asked leave to be discharged from the joint committee elected to examine into the affairs of the Bank of the State of Alabama; which was granted. On motion of Mr Hogan, Mr Burke was added to said committee.

On motion on Mr Chapman, the vote of yesterday on the passage of the bill to be entitled an act to authorise John S. Brooks and his associates to turnpike a road therein named, was reconsidered, and said bill laid on the table.

On motion of Mr Walthall, *Resolved*, that the comptroller of public accounts be directed to report to the Senate, the amount of taxes arising from each article of taxation within this State, during the present year.

Mr Phillips moved to reconsider the vote taken on the bill to be entitled an act concerning the taxes on cattle; which was carried, and the bill laid on the table.

And then the Senate adjourned until Monday morning 10 o'clock.

*Monday, December 22d, 1834.*—The Senate met pursuant to adjournment.

Mr Barclay presented the petition of sundry citizens of Jackson county, praying the passage of a law, to authorise the establishment of a company beat in said county, with a less number than forty privates; which was referred to the committee on military affairs.

Mr Hemphill introduced a bill to be entitled an act for the relief of Eloisa Beasley; which was read and ordered to a second reading on to-morrow.

On motion of Mr Nabors, *Resolved*, that the committee on privileges and elections, be instructed to abolish the following precincts in the county of Coosa, viz: one at the house of Archibald Downing; one at the house of Washington Campbell; one at the house of Alfred Mahon; one at the house of Solomon Robbins; one at the house of Hugh McMillion; one at the house of Thomas Walston; one at the house of George Taylor; and established in lieu thereof, the following: one at the store house of Abram Chancellor on Peckerwood creek; one at the store house of Bennett Ware, on Sock-a-pa-lay creek; one at the store house of Marck E. Moore, on Oserlarraba creek; and one at the store house of Washington Barton at Wetumpka.

Mr President laid before the Senate the following communication:

BANK OF THE STATE OF ALABAMA, }  
*Tuscaloosa, December 20th, 1834.* }

Hon. F. S. LYON, President of the Senate, &c.

Sir: In obedience to a resolution of the Senate, adopted on the 11th inst. requesting me to furnish the Senate with a statement of the amounts asked for from each county, and what each county had received on notes and bills of exchange for the year 1834, I have the honor to communicate the accompanying document, which has been carefully prepared from the books of the Bank, and which exhibits in separate columns, the several items required.

It is perhaps necessary, by way of explanation, to remark, that in the item of bills purchased, there is included a considerable amount, which was negotiated to pay notes, discounted in 1833, and due 1st and 4th January, 1834; many of which were not paid until a subsequent day, and also a large amount to pay notes discounted the present year. All of which is respectfully submitted.

JOHN L. TINDALL, President.

*Ordered*, that said report and accompanying document, be referred to the committee on the State Bank.

Mr President laid before the Senate the following letter from the president of the branch of the Bank of the State of Alabama at Decatur.

*Ordered*, that said communication be referred to the committee on the State Bank.

A message from the Governor by Mr Webster, Secretary of State.

EXECUTIVE DEPARTMENT, }  
*Tuscaloosa, December 21st, 1834.* }

I have to inform the general assembly, that the office of Solicitor of the 8th judicial circuit has become vacant, by the resignation of William D. Pickett, Esq.

(Signed)

JOHN GAYLE.

*Ordered*, that said communication be laid on the table.

Mr Burke introduced joint resolutions, on the subject of graduating the price of the public lands; which were read and ordered to a second reading on to-morrow.

Mr Boyd introduced a bill to be entitled an act to repeal in part an act

now in force, confining the collection of debts before a justice of the peace, in the beat where the contract was made, or in the beat where the defendant resides, approved December 31st, 1830; which was read and ordered to a second reading on to-morrow.

On motion of Mr Burke, *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of passing a law, making it the duty of Solicitors in all criminal prosecutions, for any offence against the laws of this State, to indorse the name of the actual prosecutor on the indictment or presentment, and such indorsement so made, shall be evidence in any court of record in this State, that such person was such prosecutor.

Mr Hogan introduced a bill to be entitled an act to incorporate the Alabama Life Insurance and Trust Company; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time, and referred to the committee on the State Bank.

Mr Phillips from the committee on education, to whom was referred a bill to be entitled an act to incorporate the Springhill college in the county of Mobile, reported the same as amended; which were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled an act for the relief of Joseph Comyns, was read a second time, and the further consideration thereof, indefinitely postponed.

Mr Hogan moved to take from the table, the memorial of sundry citizens of this State, praying the passage of a law to incorporate the Alabama Life Insurance and Trust Company; which was carried. *Ordered*, that said memorial be referred to the committee on the State Bank.

On motion of Mr Hogan, all the reports made to the Senate this session by the president of the Bank of the State of Alabama, and the presidents of the several branch Banks, and the commissioners appointed to examine said branch Banks, were taken from the table, and referred to the committee on the State Bank.

An engrossed bill to be entitled an act to discontinue in part a certain road therein named, was read a third time and passed.

An engrossed bill to be entitled an act to declare Mud creek a public highway, was read a third time and passed.

An engrossed bill to be entitled an act to change the name of Thomas Nevil, was read a third time and passed.

An engrossed bill to be entitled an act to permit the selling of beer and cider, was read a third time and passed.

An engrossed bill to be entitled an act to compensate jurors in the county of Tuscaloosa, was read a third time and passed.

An engrossed bill to be entitled an act for the relief of Matthew Roberts and others, was read a third time and passed.

An engrossed bill to be entitled an act to revive, alter and amend an act, entitled an act, to incorporate the town of Demopolis in Marengo county, passed December 15th, 1821, was read a third time and passed.

On motion of Mr Chapman, the engrossed bill to be entitled an act to authorise John S. Brooks and his associates to turnpike a road therein named, was taken from the table, and referred to a special committee, consisting of Messrs Chapman, Johnson and Vining.

An engrossed bill to be entitled an act for the relief of Thomas Allison, was read a third time and laid on the table.

An engrossed bill to be entitled an act to establish a branch of the Bank of the State of Alabama at ——— was laid on the table.

An engrossed bill to be entitled an act to explain an amend the law in re-



lation to the probate of deeds and relinquishments of dower, was read a third time and passed.

An engrossed bill to be entitled an act to extend the corporate limits of the town of East Wetumpka and for other purposes, was read a third time and passed.

An engrossed bill to be entitled an act to change the name of Lucina Blankenship and for other purposes, was read a third time and passed.

A message from the House of Representatives by Mr. Peterson. Mr. President: the House of Representatives have adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will meet in the Representative Hall on Tuesday, the 22d inst. at 11 o'clock, for the purpose of electing a Solicitor for the 5th judicial circuit. On motion of Mr. Nabors, the resolution was amended, by adding thereto the following words: "and also a Judge of the county court of Shelby county, and a Judge of the county court of Jefferson county; and then the resolution was concurred in. *Ordered*, that the Secretary acquaint the House therewith.

An engrossed bill to be entitled an act to provide an additional remedy against constables, for failing to return executions, was read a third time and passed.

An engrossed bill to be entitled an act for the relief of the heirs and legal representatives of John Byler, deceased, was read a third time and passed.

On motion of Mr. McVay, the engrossed bill to be entitled an act for the relief of Thomas Allison, was taken from the table and passed.

Mr. Vining introduced a bill to be entitled an act to authorise James Moore to remove the property of his wards to the State of Mississippi; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith, and referred to a special committee, consisting of Messrs Vining, Barclay, and Erwin of G.

A bill to be entitled an act to amend the charter of the Bank of the State of Alabama and for other purposes, was read a second time, and referred to a special committee, consisting of Messrs Lane, Erwin of G. and Bibb.

A bill to be entitled an act to create a sinking fund for the ultimate redemption of the State bonds, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

The joint resolution proposing an amendment to the constitution of the State of Alabama, so as to limit the session of the legislature to thirty legislative days, was read a second time. Mr. Barclay moved to lay the resolution on the table; which was lost.—Yeas 11, Nays 15.

Those who voted in the affirmative, are Messrs Ashe Arnold Barclay Bibb Boyd Brown Hemphill Johnson Morton Perkins and Vining.

Those who voted in the negative, are Messrs Borough Brodnax Burke Chapman Erwin of G. Hogan Irwin of H. Keener Lane Larkins McVay Moore Nabors Phillips and Walthall.

Mr. Irwin of H. moved to strike out the word thirty; which was carried. Yeas 21, Nays 6.

Those who voted in the affirmative, are Messrs Ashe Arnold Barclay Bibb Borough Boyd Brown Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins Moore Morton Nabors Perkins Phillips and Vining.

Those who voted in the negative, are Messrs Brodnax Burke Chapman McVay Scott and Walthall.

Mr. Irwin of H. moved to fill the blank with "forty," which was lost. — Yeas 10, Nays 17.

Those who voted in the affirmative, are Messrs Arnold Barclay Brown Hemphill Irwin of H. Johnson Lane Moore Scott and Vining.

Those who voted in the negative, are Messrs Ashe Bibb Borough Boyd Brodnax Burke Chapman Erwin of G. Hogan Keener Larkins McVay Morton Nabors Perkins Phillips and Walthall.

Mr Erwin of G. moved to fill the blank with "thirty-six;" which was carried.—Yeas 20, Nays 7.

Those who voted in the affirmative, are Messrs Ashe Bibb Borough Boyd Brodnax Burke Chapman Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins McVay Moore Nabors Perkins Phillips and Scott.

Those who voted in the negative, are Messrs Arnold Barclay Brown Irwin of H. Morton Vining and Walthall.

Mr Morton moved to refer the resolution to a special committee; which was lost.—Yeas 9, Nays 18.

Those who voted in the affirmative, are Messrs Barclay Brown Hemphill Hogan Irwin of H. Moore Morton Perkins and Vining.

Those who voted in the negative, are Messrs Ashe Arnold Bibb Borough Boyd Brodnax Burke Chapman Erwin of G. Johnson Keener Lane Larkins McVay Nabors Phillips Scott and Walthall.

Mr Hogan moved that the resolution be made the order of the day, for a committee of the whole on to-morrow; which was carried.—Yeas 14, Nays 13.

Those who voted in the affirmative, are Messrs Arnold Bibb Boyd Brown Hemphill Hogan Irwin of H. Johnson Larkins Moore Morton Nabors Perkins and Vining.

Those who voted in the negative, are Messrs Ashe Barclay Borough Brodnax Burke Chapman Erwin of G. Keener Lane McVay Phillips Scott and Walthall.

The engrossed bill from the House of Representatives to be entitled an act to authorise John C. Keziah to make a turnpike road in Benton county, was read a third time and passed.

Mr Chapman from the special committee, to whom was referred an engrossed bill to be entitled an act to authorise John S. Brooks and his associates to turnpike a road therein named, reported the same with sundry amendments; which were concurred in as amended, and the bill passed.

An engrossed bill from the House of Representatives to be entitled an act to repeal an act therein mentioned, was passed.

Mr Erwin of G. introduced a bill to be entitled an act, to amend the road laws in relation to ferries; which was read, and ordered to a second reading on to-morrow.

Mr Vining from the special committee to whom was referred the bill to be entitled an act to authorise James Moore to remove the property of his wards to the State of Mississippi, reported an additional section, as an amendment thereto; which was concurred in, and the rule requiring bills and joint resolutions to be read on three several days, being further suspended, was read a third time forthwith, and passed. *Ordered*, that the Secretary acquaint the House therewith.

And then the Senate adjourned until to-morrow.

*Tuesday, December 23d, 1834.*—The Senate met pursuant to adjournment.

Mr Chapman from the committee on privileges and elections, to whom was referred the petition of sundry citizens of Wilcox county, setting forth that John M. Burke, who has a seat in the Senate, as a Senator from said county, was not at the time of his election, in August, 1834, eligible under the constitution, to be elected to that office, and praying that the right of the said John M. Burke to a seat in this body, because of his want of the constitutional term of citizenship, might be inquired into, &c. reported,

That by the 12th section of the 3rd article of the constitution, it is provided, that no person shall be a Senator, unless he be a white man, a citizen of the United States and shall have been an inhabitant of this State, two years next preceding his

election, and the last year thereof, a resident of the district for which he shall be chosen, and shall have attained to the age of twenty seven years." The petition does not pretend to charge that the said John M. Burke was wanting in any other qualification, except that of the time of his citizenship; your committee therefore confined themselves to that inquiry alone.

Your committee have ascertained from the testimony of two gentlemen, whose affidavits accompany this report, and from a letter addressed by the Hon. C. M. Pegues to the chairman of this committee, that the said John M. Burke, removed from the State of Kentucky, in the latter part of the year 1831, or the beginning of 1832, and settled in the said county of Wilcox, and declared his intention then to become a citizen of this State. Your committee have also ascertained, that the said John M. Burke, went with his white family to Kentucky, about the month of March, 1832, and remained until the next fall, but that it was his intention only to absent himself from the State as a visitor, and not to abandon the settlement he had previously made in the county of Wilcox, where he cultivated a plantation that year, and has continued to reside ever since. By the 7th section, 6th article of the constitution it is provided, that "absence on business of the State, or of the United States, or on a visit or necessary private business, shall not cause a forfeiture of a residence once obtained."

Your committee, from the facts found, can't possibly resist the conviction, that the said John M. Burke was a resident of the county of Wilcox in this State, from the latter part of 1831 or the first of 1832, up to the time of his election; that it was *bona fide* his intention, from that time to become a citizen of the State, and that his absence in 1832 was an absence on a visit or on necessary private business, and did not, according to the section of the constitution, above cited, cause a forfeiture of the residence which he had before that time obtained—Your committee therefore recommend the adoption of the following resolutions:

*Resolved*, That John M. Burke had, before the general election in August, 1834, been an inhabitant of this State for two years, and the last year thereof, a resident of the senatorial district, composed of the county of Wilcox, within the meaning and intent of the 12th section of the 3rd article of the constitution of this State.

On motion, said report was concurred in.

Mr Brodnax from the committee on county boundaries, to whom was referred a bill to be entitled an act to attach a part of St. Clair county, to the county of Benton, reported the bill without amendment, and it was read a third time and passed.—Yeas 25.

Those who voted in the affirmative, are messrs President Ashe Arnold Barclay Borough Boyd Brodnax Brown Burke Chapman Hemphill Hogan Irwin of H. John Keener Lane Larkins McVay Moore Nabors Perkins Phillips Scott Vining and Waithall.

There was no dissenting voice.

Mr Phillips from the special committee, composed of the members of the second judicial circuit, to whom was referred a bill to be entitled an act to change the time of holding the circuit courts of the second judicial circuit, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Hogan, Mr Larkins was added to the following committees, viz: the committee on Indian affairs; the committee on roads, bridges and ferries; and the committee on county boundaries.

Mr Moore introduced a bill to be entitled an act, to incorporate the Carrollton academy, in Pickens county, which was read a first, and ordered to a second reading on to-morrow.

Mr Keener from the select committee, to whom was referred the petition of Paddy Carr and Thomas Carr, half breed Indians, and others, citizens of Russell county, reported a bill to be entitled an act for the relief of Paddy and Thomas Carr; which was read, and ordered to a second reading on to-morrow.

Mr McVay from the select committee, to whom was referred the bill from the House of Representatives to be entitled an act to incorporate the Florence and Waterloo rail road company, reported the same without

amendment. Mr McVay moved to amend the bill by adding to the 18th section, the words, "provided the said State of Alabama or the United States, shall commence such canal within ——— years from this time, and complete the same within ——— years from this date. On motion of Mr Vining, the bill and amendment were referred to the committee on internal improvement and inland navigation.

Mr Perkins made the following report:

The committee to whom was referred joint resolutions, authorising the commissioners of the State capitol, to procure additional furniture for the Senate chamber and House of Representatives, with instructions to report the probable cost, have had the same under consideration, and have instructed me to report, that the desks will cost \$15 each; inside venetian blinds, \$7 each; satin damask curtains, \$100 for each window, the probable cost. The price of carpeting, uncertain, as it will depend entirely on the quality. The committee have instructed me further to report, that the above estimates have been politely furnished by the commissioners of the State capitol, whose communication is herewith submitted, in which, is respectfully suggested, the propriety of taking into consideration, the subject of their compensation for services in superintending the erection of the capitol, &c. The committee have, therefore, instructed me to report the following, as an additional resolution, to wit: Sec. 3. *And be it further Resolved*, that the commissioners of the State capitol, for their various services in superintending the erection of the State capitol, be allowed as full compensation, the sum of fifty dollars each, for each and every year they may have served as commissioners, and in like proportion, for a longer or shorter period, to be paid out of any funds in the Treasury, not otherwise appropriated; which was laid on the table.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times and passed bills of the following titles, viz: An act to authorise Jacob Whetstone, John A. Whetstone and Lewis G. Robinson, to establish a lumber yard and raft landing at the town of Coosauda; an act permanently locating the seat of justice in Coosa county, and for other purposes. In which they ask the concurrence of your honorable body. <sup>4</sup> They concur in the amendments made by the Senate, to the resolution proposing to go into the election of a Solicitor for the 8th judicial circuit, and have adopted the following resolution: *Resolved*, that the Senate be now informed, that this House is ready to receive them, for the purpose of going into the election of a Solicitor for the 8th judicial circuit, and Judges of the county courts for the counties of Jefferson and Shelby.

The Senate having repaired to the hall of the House of Representatives, both houses proceeded to the election of a solicitor of the eighth judicial circuit. Samuel B. Robinson, John Clark, George D. Shortridge, John P. Graham and George D. Hooper, being in nomination.

Those who voted for Mr Robinson, are Messrs Brodnax Hemphill Irwin of H. Messrs Morton Phillip Scott Wallace and Walthall, of the Senate; Messrs Speaker Barron Bowin Burt Calhoun Clough Cottrell Davis Greer Henderson Jackson Lee Mince Oliver Owen Porter Robertson Saltee Sanders Simmons Stone Ward Warren and Williams, of the House of Representatives.

Those who voted for Mr Clark, are Messrs Arnold and Larkins, of the Senate; Messrs Carmack Evans Hill Lewis and McLemore, of the House of Representatives.

Those who voted for Mr Shortridge, are Messrs Ashe Boyd Brown Erwin of G. Hogan Moore Nabors and Perkins, of the Senate; Messrs Clark Curtis Dent Dubose Farrar Frierson Gayle Jones of T. Massey May McAlpin McCarty McCord McHenry Patton Rains Richardson Roberts Scott Shields Shortridge Snodgrass Sossaman Sterrett Taylor Thompson and Wooldridge, of the House of Representatives.

Those who voted for Mr Graham, are Messrs Barclay Borough Chapman Johnson Lane McVay and Vining, of the Senate; Messrs Armbrister Cantley Coffey Fleming Gilbreath Glascock Hollis Houston Jones of J. King Lane Loyd Phelan Pratt Rather Rodgers Seabury Tafe Walker Wallis Womack Wynn and Young of L. of the House of Representatives.

Those who voted for Mr Hooper, are Messrs President Bibb and Burke, of the Senate; Messrs Young of L. of the House of Representatives.

No one of the candidates having received a majority of votes, the two houses proceeded to ballot a second time, Messrs Clark and Hooper having been withdrawn.

Those who voted for Mr Robinson, are Messrs President Bibb Brodnax Hemphill Irwin of H.

Keener Morton Phillips Scott Wallace and Walthall, of the Senate; messrs Speaker Barron Bowin Burt Calhoun Clough Cottrell Davis Evans Greer Henderson Jackson Lane Lee Mirce Oliver Owen Porter Robertson Sallee Sanders Simmons Stone Ward Williams and Womack, of the House of Representatives.

Those who voted for Mr Shortridge, are messrs Ashe Arnold Boyd Brown Burke Erwin of G. Hogan Larkins Moore Nabors and Perkins, of the Senate; messrs Clark Curtis Dent Dubose Farrar Frierson Gayle Hill Jones of T. Massey May McAlpin McCarty McCord McHenry McLemore Patton Pratt Rains Richardson Roberts Scott Shields Shortridge Snodgrass Sossaman Sterrett Taylor Thompson Wallis Warren and Wooldridge, of the House of Representatives.

Those who voted for Mr Graham, are messrs Barclay Borough Chapman Johnson Lane McVay and Vining, of the Senate; messrs Armbrister Cantley Carmack Coffey Fleming Gilbreath Glascock Hollis Houston Jones of J. King Lewis Loyd Phelan Rather Rodgers Seabury Tate Walker Wynn Young of J. and Young of L. of the House of Representatives.

No one of the candidates having received a majority of votes, the two houses proceeded to ballot a third time.

Those who voted for Mr Robinson, are messrs President Bibb Brodnax Hemphill Irwin of H. Keener Phillips Scott Wallace and Walthall, of the Senate; messrs Speaker Barron Bowin Burt Calhoun Clough Coffey Cottrell Davis Evans Greer Henderson Jackson Lane Lee Mirce Oliver Owen Porter Robertson Sallee Sanders Simmons Stone Ward and Williams, of the House of Representatives.

Those who voted for Mr Shortridge, are messrs Ashe Barclay Boyd Brown Burke Erwin of G. Hogan Larkins Moore Nabors and Perkins, of the Senate; Messrs Clark Curtis Dent Dubose Farrar Frierson Gayle Hill Jones of T. King Loyd Massey May McAlpin McCarty McCord McHenry McLemore Patton Rains Richardson Roberts Scott Shields Shortridge Snodgrass Sossaman Sterrett Tate Taylor Thompson Wallis Warren Wooldridge and Wynn, of the House of Representatives.

Those who voted for Mr Graham, are messrs Arnold Borough Chapman Johnson Lane McVay Morton and Vining, of the Senate; messrs Armbrister Cantley Carmack Fleming Gilbreath Glascock Hollis Houston Jones of J. Lewis Phelan Pratt Rather Rodgers Seabury Walker Womack Young of J. and Young of L. of the House of Representatives.

No one of the candidates having received a majority of votes, the two houses proceeded to ballot a fourth time.

Those who voted for Mr Robinson, are messrs President Bibb Brodnax Hemphill Irwin of H. Keener Lane Morton Phillips Scott Wallace and Walthall, of the Senate; messrs Speaker Barron Bowin Burt Calhoun Clough Coffey Cottrell Davis Evans Greer Henderson Jackson Lane Lee Mirce Oliver Owen Porter Robertson Sallee Sanders Simmons Stone Ward Williams and Womack, of the House of Representatives.

Those who voted for Mr Shortridge, are messrs Ashe Arnold Barclay Boyd Brown Burke Erwin of G. Hogan Larkins Moore Nabors and Perkins, of the Senate; Messrs Cantley Clark Curtis Dent Dubose Farrar Frierson Gayle Hill Jones of T. Lewis Loyd Massey May McAlpin McCarty McCord McHenry McLemore Patton Pratt Rains Richardson Roberts Scott Shields Shortridge Snodgrass Sossaman Sterrett Tate Taylor Thompson Wallis Warren Wooldridge Wynn and Young of J. of the House of Representatives.

Those who voted for Mr Graham, are messrs Borough Chapman Johnson McVay and Vining, of the Senate; messrs Armbrister Carmack Fleming Gilbreath Glascock Hollis Houston Jones of J. King Phelan Rather Rodgers Seabury Walker and Young of L. of the House of Representatives.

No one of the candidates having received a majority of votes, the two houses proceeded to a fifth balloting.

Those who voted for Mr Robinson, are Messrs President Bibb Brodnax Hemphill Irwin of H. Keener Lane Morton Phillips Scott Wallace and Walthall, of the Senate; Messrs Speaker Barron Bowin Burt Calhoun Clough Cottrell Davis Evans Greer Henderson Jackson Lane Lee Mirce Oliver Owen Rather Robertson Rodgers Sallee Sanders Seabury Simmons Stone Ward Williams and Womack, of the House of Representatives.

Those who voted for Mr Shortridge, are Messrs Ashe Arnold Barclay Boyd Brown Burke Erwin of G. Hogan Larkins McVay Moore Nabors and Perkins, of the Senate; Messrs Armbrister Cantley Clark Coffey Curtis Dent Dubose Farrar Frierson Gayle Gilbreath Glascock Hill Jones of T. King Lewis Loyd Massey May McAlpin McCarty McCord McHenry McLemore Patton Porter Pratt Rains Richardson Roberts Scott Shields Shortridge Snodgrass Sossaman Sterrett Tate Taylor Thompson Wallis Warren Wooldridge Wynn and Young of J. of the House of Representatives.

Those who voted for Mr Graham, are Messrs Borough Chapman and Vining, of the Senate; Messrs Carmack Fleming Hollis Houston Jones of J. Phelan Wallis and Young of L. of the House of Representatives.

Mr Shortridge having received a majority of the whole number of votes given, Mr Speaker declared him duly elected solicitor for the eighth judicial circuit.

The two houses then proceeded to the election of a judge of the county court of Jefferson county. Walker K. Baylor, alone being in nomination.

Those who voted for Mr Baylor, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore

The yeas and nays being demanded, those who voted in the affirmative, are Messrs Speaker Armbrister Barron Bowin Cantley Clark Coffey Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Hogan Nabors Perkins Phillips Scott Vining Wallace and Walthall, of the Senate; Messrs Speaker Armbrister Barron Bowin Burt Cantley Carmack Clark Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Glascock Henderson Hill Houston Jackson Jones of J. Jones of T. King Lane

Lewis Loyd Massey May McAlpin McCarty McCord McHenry McLemore Mirce Oliver Owen Patton Pratt Rains Rather Richardson Robertson Rodgers Sallee Sanders Scott Seabury Shortridge Snodgrass Sossaman Sterrett Tate Taylor Thompson Walker Wallis Ward Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Walker K. Baylor, having received a majority of the whole number of votes, Mr Speaker declared him duly elected judge of the county court of Jefferson county.

The two houses then proceeded to the election of a judge of the county court of Shelby county. W. H. Griffin and James Woodruff, being in nomination.

Those who voted for Mr Griffin, are Mr Lane, of the the Senate; Messrs Burt Robertson and Simmons, of the House of Representatives.

Those who voted for Mr Woodruff, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Larkins McVay Moore Morton Nabors Perkins Phillips Scott Vining Wallace and Walthell, of the Senate; Messrs Speaker Armbrister Barron Bowin Cantley Carmack Clark Clough Coffey Cottrell Davis Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Glacoeck Greer Henderson Hill Houston Jackson Jones of T. King Lane Lee Lewis Loyd Massey May McAlpin McCarty McCord McHenry McLemore Mirce Oliver Owen Patton Phelan Pratt Rains Rather Richardson Roberts Rodgers Sallee Sanders Scott Seabury Shortridge Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House of Representatives.

Mr Woodruff having received a majority of the whole number of votes given, Mr Speaker, therefore declared him duly elected judge of the county court of Shelby county.

The elections being over, the Senate withdrew, repaired to their own Hall, and Mr president resumed the chair.

Mr Perkins' report on the joint resolutions, authorising the commissioners of the State capitol, to procure additional furniture, for the Senate chamber and House of Representatives, was taken from the table for further consideration. Mr Erwin of G. moved to lay the additional resolution reported, on the table, until the first day of June next; which was carried.—Yeas 17, Nays 11.

The yeas and nays being desired, those who voted in the affirmative, are Messrs Ashe Arnold Bibb Borough Boyd Brodnax Brown Chapman Erwin of G. Hemphill Irwin of H. Johnson Keener McVay Morten Vining and Walthall.

Those who voted in the negative, are messrs President Barclay Burke Lane Larkins Moore Nabors Perkins Phillips Scott and Wallace.

Mr Phillips moved to amend the first resolution, by adding thereto the words, "and that the sum of ——— be appropriated to pay for the same out of any money in the Treasury, not otherwise appropriated; which was carried. Mr Moore moved to refer the resolution to a special committee; which was carried; and Messrs Moore, Perkins and Hogan, appointed said committee.

An engrossed bill to be entitled an act to incorporate the Springhill college in the county of Mobile, was read a third time and passed.

Mr Perkins introduced a bill to be entitled an act, making appropriations for the payment of certain claims against the State; which was read a first and second time, and referred to a special committee, consisting of Messrs Perkins, Chapman and McVay.

Mr Chapman introduced a bill to be entitled an act to alter and amend the law concerning trials by writs of forcible entry and detainer; which was read a first and second time, and referred to the committee on the judiciary.

Mr Erwin of G. from the committee on privileges and elections, to whom was referred a resolution, instructing them to inquire into the expediency of vesting the power of filling vacancies of clerks of the circuit and county courts, and sheriffs, by the people when vacancies occur by death, resignation or otherwise, reported that it is inexpedient to change the law in relation to the appointment of those officers; which was concurred in.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a resolution, instructing them to inquire into the expediency of pass-



ing a law, making it the duty of the clerks of the several courts in this State, to issue execution within thirty days after the judgment, in their respective courts, reported a bill to be entitled an act in relation to the issuing of executions and for other purposes; which was read, and ordered to a second reading on to-morrow.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a resolution, instructing them to inquire into the propriety of increasing the salaries of Judges of the Supreme and circuit courts, and whether the finances of the State, would not justify the measure; and also whether there is not an absolute necessity for so doing, in order to retain and obtain the best legal talents within the State, to fill those important offices, reported a bill to be entitled an act to fix the salaries of the judges of the Supreme and circuit courts of this State, who may be hereafter elected, and for other purposes; which was read, and ordered to a second reading on to-morrow.

On motion of Mr. Erwin of G. *Resolved*, that the committee on propositions and grievances be instructed to inquire into the expediency of increasing the compensation allowed by law to jailors, for keeping runaway slaves, with leave to report by bill or otherwise.

Mr Erwin of G. introduced a bill to be entitled an act, to repeal in part an act, entitled an act, amendatory to the several acts concerning witnesses, approved January 3d, 1832; which was read, and ordered to a second reading on to-morrow.

Mr Erwin of G. introduced a bill to be entitled an act, to repeal in part a certain act therein named, and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr Morton introduced a bill to be entitled an act, to amend the act to suppress duelling, passed December 17th, 1819; which was read and ordered to a second reading on to-morrow.

Mr Bibb introduced a bill to be entitled an act, to repeal in part an act therein named, and for other purposes; which was read a first and second time, and referred to the committee on the judiciary.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Wednesday, December 24th, 1834.*—The Senate met pursuant to adjournment.

A message from his excellency the Governor, by Mr Van Dyke. Mr President: his excellency the Governor, has instructed me to inform your honorable body, that he has approved and signed the following bill, viz: An act to change the time of holding the county court of Pickens county.

Mr Johnson presented the petition of H. G. Robinson, praying the passage of an act, to authorise him to practice medicine; which was referred to a special committee, consisting of Messrs Boyd, Arnold, Erwin of G. Johnson and Phillips.

Mr Irwin of H. from the committee on military affairs to whom was referred the petition of sundry citizens of Jackson county, praying the passage of a law, to authorise the establishment of a company beat, on the south side of the Tennessee river, in said county, with a less number than forty privates, reported a bill to be entitled an act to establish a company beat, with a less number than forty privates. in the county of Jackson; which was read three several times and passed.

Mr Johnson from the committee on roads, bridges and ferries, to whom was referred a petition, praying the passage of a law, authorising Holoway Power, to make a turnpike road therein named, reported a bill to be entitled an act to authorise Holoway Power to turnpike a road therein named:

which was read a first and second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Lane from the committee on internal improvement and inland navigation, to whom was referred a bill to be entitled an act, to incorporate the Mobile and Cedar point rail road company, reported the same with sundry amendments; which was laid on the table.

Mr Perkins from the special committee, to whom was referred a bill to be entitled an act, making appropriations for the payment of certain claims against the State, reported the same without amendment. *Ordered*, that said bill be engrossed for a third reading on to-morrow.

Mr Lane from the committee on internal improvements and inland navigation, to whom was referred sundry resolutions, relating to the importance of connecting the Tennessee valley, with the waters of Mobile bay, asked leave to be discharged from the further consideration of the subject. *Ordered* to be laid on the table.

Mr Erwin of G. introduced a bill to be entitled an act in relation to suits against carriers by water, which was read and ordered to a second reading on to-morrow.

Mr Bibb introduced a bill to be entitled an act to incorporate a volunteer company, to be called the Montgomery guards; which was read three several times forthwith, and passed.

Mr Keener introduced a bill to be entitled an act to incorporate the town of Lafayette, in the county of Chambers; which was read a first and second time forthwith, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Bibb, the report from the committee on internal improvements and inland navigation, upon the bill to be entitled an act to incorporate the Mobile and Cedar point rail road company, was taken from the table, and on motion of Mr Hogan, laid on the table again.

Mr Hogan from the committee on the State Bank, to whom was referred a bill to be entitled an act to incorporate the Mobile Life Insurance and Trust company, reported the same with sundry amendments; which were concurred in, and the bill laid on the table until Tuesday next.

An engrossed bill to be entitled an act to permit Bryant Rushing to establish and keep a ferry therein named, was read a third time and passed. Yeas 15, Nays 8.

Those who voted in the affirmative, are messrs Barclay Brown Burke Borough Erwin of G. Hogan Johnson Lane McVay Moore Nabors Phillips Scott Vining and Wallace.

Those who voted in the negative, are messrs Ashe Arnold Bibb Brodnax Hemphill Irwin of H. Keener and Perkins.

On motion of Mr Burke, leave of absence was granted to Mr Boyd until Monday next.

Mr Burke from the committee on the judiciary, to whom was referred a bill to be entitled an act, to authorise a justice of the peace to appoint patrols, reported a substitute therefor. Mr Irwin of H. moved to amend said substitute, by adding thereto a provision, that it should not take effect in any county in this State, except the counties of Dallas, Wilcox, Maddison, Perry, Autauga, Marengo, Sumter and Greene. On motion of Mr Burke, the bill and amendments were recommitted to a special committee, consisting of messrs Burke, Phillips, and Erwin of G.

Mr Vining presented the petition of sundry citizens of Madison county, praying the passage of a law, to authorise the judge and commissioners of revenue and roads of said county, to levy a special tax for the purpose of a court house; which was referred to a special committee, consisting of messrs Vining, Chapman and Barclay.

Mr Erwin of G. moved to take from the table, the report of the committee on privileges and elections, upon the memorial of James Abercrombie; which was carried. Mr Walthall asked leave to withdraw the amendment which he offered to said report; which was granted; and then the report as amended, was concurred in.—Yeas 15, Nays 12.

Those who voted in the affirmative, are messrs Ashe Arnold Barclay Bibb Borough Brown Burke Erwin of G. Hogan Johnson McVay Moore Nabors Vining and Wilkinson.

Those who voted in the negative, are messrs Brodnax Chapman Hemphill Irwin of H. Keener Lane Morton Perkins Phillips Scott Wallace and Walthall.

A bill from the House of Representatives to be entitled an act, permanently locating the seat of justice in Coosa county and for other purposes, was read a first and second time forthwith, and referred to a special committee, consisting of messrs Nabors, Bibb and Johnson.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act, pointing out the mode of appointing inspectors of elections, and for other purposes, reported a substitute therefor. *Ordered*, that the bill and report be laid on the table.

And then the Senate adjourned until Friday morning 10 o'clock.

*Friday, December 26th, 1834.*—The Senate met pursuant to adjournment.

Mr Bibb from the special committee, to whom was referred a bill from the House of Representatives to be entitled an act, permanently locating the seat of justice in Coosa county, and for other purposes, reported the same without amendment, and the bill was ordered to a third reading on to-morrow.

Mr McVay from the committee on propositions and grievances, to whom was referred a resolution, instructing them to inquire into the expediency of increasing the compensation, allowed by law, to jailors, for keeping runaway slaves, reported a bill to be entitled an act, more effectually to provide for compensating jailors, for victualling runaway slaves, while confined in jail; which was read, and ordered to a second reading on to-morrow.

Mr Wallace introduced a bill to be entitled an act to incorporate the Mobile, Tuscaloosa and Tennessee rail road company; which was read a first and second time forthwith, and referred to a special committee, consisting of messrs Wilkinson, Hogan and Wallace.

On motion of Mr Hogan, the bill to be entitled an act to incorporate the Mobile and Cedar point rail road company, was taken up and laid on the table until Tuesday next.

On motion of Mr Wilkinson, *Resolved*, that the president of the State Bank, be requested to lay before the Senate, a statement of the amount that each director owes on notes, and also state whether the directors pay the same curtailments, at the end of every ninety days, that are by the rules of the board required of others; also what amount has been discounted to each director on bills of exchange during the present year; and what amount is now running to maturity, when payable and by whom; and what amount will the board have to discount on notes, between the first and fifteenth of January next, to the people at large; and what are the reasons that governed the board, in refusing to discount generally to the different counties; and whether there has been any resolution of the board on this subject, and if so, furnish a copy of said resolution, and the yeas and nays on the same.

On motion of Mr Irwin of H. *Resolved*, that his excellency the Governor, be requested to furnish the Senate, with all the information in his possession, in relation to the public arms, distributed to volunteer companies,

as to their condition, and the probable solvency of bonds given by officers, to whom the same may have been delivered; and whether there are any reports of the strength of the militia, upon which the services of the adjutant and inspector general are required for the year 1834.

On motion of Mr Scott, *Resolved*, that the committee on privileges and elections, be instructed to inquire into the expediency of establishing an election precinct at the town of Benton, in Lowndes county, and that they report by bill or otherwise.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times, and passed bills of the following titles, viz: an act for the speedy trial of certain suits in Dallas county; and an act for the relief of Gabriel Moore. In which they ask the concurrence of your honorable body.

The bill from the House of Representatives to be entitled an act, for the speedy trial of certain suits in the circuit court of Dallas county, was read a first and second time forthwith, and referred to a special committee.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, an act to authorise James Moore, to remove the property of his wards to the State of Mississippi.

An engrossed bill to be entitled an act to limit the president and directors of the branch of the Bank of the State of Alabama at Mobile, and for other purposes, was taken from the table, and referred to a special committee, consisting of Messrs Hogan, Wilkinson and Bibb, which committee reported it back again without amendment, and the bill was passed.—Yeas 18, Nays 5.

The yeas and nays being desired, those who voted in the affirmative, are messrs Ashe Arnold Bibb Borough Brodnax Brown Burke Hogan Irwin of H. Johnson Larkins McVay Moore Morton Phillips Scott Wallace and Wilkinson.

Those who voted in the negative, are messrs Barclay Chapman Keener Lane and Perkins.

Mr Bibb introduced a joint resolution, proposing an amendment to the constitution; which was laid on the table, and sixty copies ordered to be printed for the use of the Senate.

On motion of Mr Bibb, leave of absence was granted to Mr Nabors, until Monday next

On motion of Mr McVay, *Resolved*, that the committee on military affairs be instructed to inquire into the expediency of passing an act, requiring the patrol law to be printed in pamphlet form, and distributed among the militia officers of the State.

The bill from the House of Representatives to be entitled an act for the relief of Gabriel Moore, was read and ordered to a second reading on tomorrow.

The resolution from the House of Representatives proposing to go into the election of a president and twelve directors, for the Bank of the State of Alabama, on Tuesday evening next at 3 o'clock, was laid on the table until next Monday week.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have adopted the following resolution. *Resolved*, That with the concurrence of the Senate, the two Houses will convene in the Representative Hall on Tuesday evening next, the 13th instant, at 3 o'clock, for the purpose of electing a President and twelve Directors of the Bank of the State of Alabama, in which they ask the concurrence of the Senate. They have amended the amendments made by the Senate to the bill entitled an act to incorporate the town of Marion, by striking out "one quarter of a mile," where it occurs in the first sec-

tion of said bill, and inserting in lieu thereof, "one mile;" in which they ask the concurrence of your honorable body. They have passed bills of the following titles, which originated in the Senate, viz: an act for the relief of D. C. Smith, executor of the last will and testament of Wm. Hobbs, deceased; an act to vacate the seat of any president or director in the Bank of the State of Alabama, or any Branch Bank thereof; an act to amend an act to incorporate the Cabawba Academy in the county of Dallas, passed January 10, 1831; an act to incorporate the Spring Hill College in the county of Mobile; an act to authorise James Moore to remove the property of his wards to the State of Mississippi. They have also read three several times and passed bills of the following titles, which originated in the House of Representatives, viz: an act to prevent the passing of droves of neat cattle through the counties of Jackson, Blount, and Benton, between the first of May and October of each and every year, except under certain restrictions; an act to reduce the number of jurors to be drawn and summoned in future to attend the circuit court of the county of Morgan and for other purposes; an act to authorise the Bank of the State of Alabama and its several Branches to issue post notes; an act to authorise George S. Massey & Co. to turnpike a certain road therein named; an act to authorise the judge of the county court and commissioners of revenue and roads of the county of Morgan to levy a county tax; an act to extend the time of holding the circuit courts of Marengo and Pickens counties, and for other purposes; an act to authorise the judge of the county court of Bibb county and commissioners of revenue and roads to levy a special tax; an act to authorise the militia officers of Dale county to establish a company beat with a less number than forty privates; an act to explain an act, authorising the sale of the sixteenth sections, approved January 15th 1828; an act to change the time of holding the county courts of Morgan county—in all of which they ask the concurrence of your honorable body.

The Senate concurred in the amendments made by the House of Representatives, to the amendments made by the Senate, to the bill from the House of Representatives, to be entitled an act to incorporate the town of Marion.

The engrossed bill from the House of Representatives, to be entitled an act to prevent the passing of droves of neat cattle through the counties of Benton, Jackson and Blount, between the first of May and October in each and every year, except under certain restrictions, was read the first and second time forthwith, and referred to a special committee, consisting of Messrs Arnold, Johnson and Barclay.

The bill from the House of Representatives to be entitled an act reducing the number of jurors to be drawn and summoned in future, to attend the circuit court in the county of Morgan and for other purposes, was read and ordered to a second reading on to-morrow.

The engrossed bill from the House of Representatives to be entitled an act to authorise the Bank of the State of Alabama and its several Branches to issue post notes, was read a first and second time forthwith, and referred to the committee on the State Bank.

Mr. Lane from the special committee to whom was referred a bill to be entitled an act to amend the charter of the Bank of the State of Alabama and for other purposes, reported an amendment, by inserting after the words "discount clerk" in the first section, "the President and Directors of the Branch Bank at Decatur, and the Branch Bank at Montgomery, may elect one assistant clerk for said Branches, whenever they may deem it expedient, which appointment shall continue for such time as the said directory

may direct;" which was concurred in. Mr. Lane moved to amend the second section of the bill by inserting after the word "the," in the first line of the second section, "cashier of the Branch of the Bank at Decatur, shall receive an annual salary of two thousand dollars;" which was carried. Yeas 16, nays 8.

Those who voted in the affirmative are, Messrs Barclay Burke Chapman Hemphill Hogan Irwin of H. Keener Lane Larkins Moore Perkins Phillips Scott Vining Wallace and Wilkinson.

Those who voted in the negative are, Messrs Ash Arnold Bibb Borough Brodnax Brown Johnson and McVay.

Mr. Chapman moved to strike out "fourteen" and insert "fifteen," in the third line of the second section. Mr McVay asked for a division of the question, and the question being first on striking out "fourteen," was decided in the affirmative. Yeas 17, nays 7.

Those who voted in the affirmative, are Messrs Barclay Bibb Brodnax Burke Chapman Hemphill Hogan Irwin of H. Keener Lane Larkins Moore Perkins Scott Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Arnold Borough Brown Johnson McVay and Phillips.

The question then followed upon inserting "fifteen," and was decided in the affirmative. Yeas 19, nays 5.

Those who voted in the affirmative, are Messrs Barclay Bibb Brodnax Burke Chapman Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins Moore Perkins Phillips Scott Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Arnold Borough Brown and McVay.

Mr. Bibb moved to amend the bill by inserting after the words "Teller at Decatur," the words, "and the Teller at Montgomery;" which was carried. *Ordered*, That the bill be engrossed for a third reading on to-morrow.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

*Saturday, December 27th 1834.*—A message from the House of Representatives by Mr. Frierson. Mr. President: the House of Representatives have read three several times and passed bills of the following titles, which originated in the Senate, viz: an act to incorporate a volunteer company, to be called the Montgomery guards; an act extending the jurisdiction of the Mayor of the town of Athens, and for other purposes; an act to authorise the personal estate of deceased persons to be reserved from sale for a limited time, and have amended the same as within shown; in which they ask the concurrence of your honorable body. They have read three several times and passed bills of the following titles, which originated in the House of Representatives, viz: an act for the relief of purchasers of land sold at the land office in Courtland; an act more effectually to prevent the burning of the woods at improper seasons of the year; an act in relation to suits in ejectment, demurrers and the probate of deeds and relinquishments of dower; an act more effectually to punish offences committed with secret weapons; an act to divorce Charlotte Dillard from her husband George Dillard; an act to regulate the sale of poisonous drugs; an act to divorce Caroline Barnes from her husband John Barnes; an act to repeal an act therein named; an act defining the corporate limits of the town of Summerville in Morgan county; an act to amend an act, entitled an act, to incorporate the Madison turnpike Company; an act to amend an act passed Dec. 20, 1832, entitled an act, to establish a State road from the town of Tuscaloosa to the Mississippi State line, in the direction of the town of Jackson, in the State of Mississippi; an act to incorporate the town of Monticello in Pike county. In all of which they ask the concurrence of your honorable body.

Mr. Phillips, from the special committee to whom was referred a bill to



be entitled an act for the speedy trial of certain suits in the circuit court of Dallas county, reported an amendment, by striking out all of the second section; which was concurred in, and the bill ordered to a third reading on Monday next.

Mr. Wilkinson moved to reconsider the vote taken on yesterday, upon the passage of the bill to be entitled an act to limit the President and Directors of the Branch of the Bank of the State of Alabama at Mobile, and for other purposes; which was carried, and the bill referred to a special committee consisting of Messrs Wilkinson, Hogan and Chapman.

A message from the House of Representatives by Mr. Tunstall. Mr. President: the House of Representatives have adopted the following resolution: *Resolved*, the Senate concurring therein, that both Houses of this Legislature, do at 11 o'clock on to-day, adjourn until Monday next, with a view to co-operate with the citizens of Tuscaloosa, in commemorating the virtues of the good and great deceased Lafayette. *Ordered*, That the Senate concur in the above resolution.

Mr. President laid before the Senate the following communication:

TUSCALOOSA, Dec. 29, 1834.

The Mayor and Aldermen of the town of Tuscaloosa, in behalf of the citizens generally, respectfully solicit the co-operation of the members of the Legislature, now in session, in commemorating the virtues of the lamented, good and great Lafayette, deceased. They are therefore respectfully invited to unite with them in procession this day, at half past 11 o'clock, A. M. in front of the Town Hall. By order of the Board.

(Signed)

JOHN OWEN, Mayor.

*Ordered*, That said communication be laid on the table.

The bill from the House of Representatives to be entitled an act, to explain an act to authorise the sales of sixteenth sections, approved January 15, 1828, was read a first and second time, and referred to the committee on education.

On motion of Mr. Hogan, Eu-fa-la, a chief of the Creek tribe of Indians, was permitted to address the Senate.

And then the Senate adjourned till Monday 10 o'clock.

*Monday, December 29.*—The Senate met pursuant to adjournment.

Mr. Hogan from the committee on the State Bank, to whom was referred a bill, to be entitled an act to amend the charter of the Branch Bank of the State of Alabama, reported as a substitute therefor, a bill to be entitled an act, to regulate a portion of the discounts in the Branch of the Bank of the State of Alabama at Mobile; which was agreed to, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Hogan from the committee on the State Bank, to whom was referred a bill from the House of Representatives to be entitled an act to authorise the Bank of the State of Alabama and its several Branches to issue post notes, reported without amendment, and the bill was read a third time and passed. Yeas —, nays —.

Mr. Vining from the special committee to whom was referred the petition of sundry citizens of the county of Madison, praying for authority to levy a special tax, for the purpose of building a court house in the town of Huntsville, reported a bill to be entitled an act, to authorise the building a court house in the county of Madison; which was read and ordered to a second reading on to-morrow.

Mr. Vining, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit: an act to authorise John C. Keziah to make a turnpike road in Benton county; an act to compensate jurors and witnesses in the county of Tuscaloosa; an act to repeal an act therein mentioned; an act to change the name of Thomas Nevil; an act

regulating the circuit courts of Bibb county; an act to change the name of and legitimate Preston Newbury; an act to incorporate the trustees of Sims' settlement library company; an act to establish a State road from the town of Tuscaloosa to Mobile, by way of Foster's ferry on the Warrior river, Springfield, Daniel's Prairie, Livingston and Washington Court House; an act to change the names of certain persons therein named, and for other purposes; an act to declare Mud Creek a public highway; an act to discontinue in part, a certain road therein named.

Mr. President laid before the Senate a letter from James T. Sykes and others inviting the members of the General Assembly, to participate in a public dinner on the 8th day of next January, given by the Tuscumbia, Courtland and Decatur rail road company, in celebration of the completion of the rail road from Tuscumbia to Decatur. *Ordered*, that said communication be laid on the table.

Mr. Brodnax from the committee on county boundaries, to whom was referred the petition of sundry citizens of Jackson county, praying the passage of an act, to attach a part of said county to the county of Blount, reported a bill to be entitled an act to attach a part of Jackson county to the county of Blount. Mr. Barclay moved to lay the bill on the table; which was lost. The bill was then read a first and second time forthwith. Mr. Barclay moved to refer the bill to a special committee; which was lost. *Ordered*, that said bill be engrossed for a third reading on to-morrow.

Mr. Arnold from the special committee to whom was referred the bill from the House of Representatives to be entitled an act to prevent the passing of droves of neat cattle through the counties of Benton, Jackson and Blount, between the first of May and October, in each and every year, except under certain restrictions, reported the same as amended; which was concurred in, and the bill ordered to a third reading on to-morrow.

Mr. Chapman from the committee on privileges and elections, to whom was referred sundry bills and resolutions, proposing to establish and abolish certain election precincts, reported a bill to be entitled an act, to establish and abolish election precincts as therein named; which was read a first and second time and laid on the table.

Mr. Chapman from the special committee to whom was referred a resolution, instructing them to memorialise Congress, on the subject of removing the land office from Madisonville in Tallega to Jacksonville in Benton county, reported a Joint Memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States; which was read and ordered to a second reading on to-morrow.

Mr. Hogan introduced a joint resolution, to exempt certain persons from military duty; which was read a first and second time, and referred to a special committee, consisting of Messrs Irwin of H., Hogan and Scott.

Mr. Moore introduced a bill to be entitled an act to allow Matthew L. Dixon to practice medicine in the State of Alabama, which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Burke from the special committee to whom was referred the bill from the House of Representatives, to be entitled an act to authorise a justice of the peace to appoint patrols, together with the amendments proposed by the Senate, reported the original bill, and recommended its passage without amendment; which was concurred in. Mr. Irwin of H. moved to lay the bill on the table, until the first of June next; which was lost. Yeas 8, nays 18.

Those who voted in the affirmative, are Messrs Barclay Hemphill Irwin of H. Keener Lane Morton Nabors and Scott.

Those who voted in the negative, are Messrs President Ashe Arnold Bibb Borough Boyd Brodnax Brown Burke Chapman Johnson Larkins McVay Moore Phillips Vining Wallace and Wilkinson.

Mr. Irwin of H. moved to amend the bill by adding thereto a provision, "that this act shall not extend to the counties of Henry, Dale, Covington, Lowndes, Limestone, Butler and Conecuh; which was lost. Yeas 7, nays 21.

Those who voted in the affirmative, are Messrs Hemphill Irwin of H. Johnson Kecner Lane Nabors and Scott.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Hogan Larkins McVay Moore Morton Perkins Phillips Vining Wallace and Wilkinson.

The bill was then put upon its passage and decided in the affirmative. Yeas 21, nays 7.

Those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Hogan Johnson Larkins McVay Moore Perkins Phillips Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Hemphill Irwin of H. Kecner Lane Morton Nabors and Scott.

Mr. Vining from the committee on enrolled bills reported as correctly enrolled, an act for the relief of D. C. Smith, executor of the last will and testament of Wm. Hobbs, deceased; an act to vacate the seat of any President or Director in the Bank of the State of Alabama or any Branch Bank thereof; an act to amend the act, to incorporate the Cahawba Academy in the county of Dallas, passed January 10, 1831; an act to permit the selling of beer and cider; an act to attach that part of St. Clair, east of the Coosa river, to a certain point in Benton county; which were accordingly signed by Mr. President.

Mr. Barclay presented the petition of David Ferguson, State Printer; which was referred to the committee on State printing.

Mr. Irwin of H. from the committee on military affairs, to whom was referred a bill to be entitled an act to abolish the several militia laws now in force in this State, reported without amendment, and the bill was ordered to be engrossed for a third reading on to morrow.

Mr. Keener introduced a bill to be entitled an act to require the commissioners of sixteenth sections hereafter to be sold, in the counties of Russell, Barbour, Chambers, Tallapoosa and Macon, to draw the notes payable at the Branch of the Bank of the State of Alabama at Montgomery; which was read a first and second time, and referred to the committee on the State Bank.

Mr. Larkins introduced a bill to be entitled an act better to secure the rights of *femes covert*; which was read a first and second time and referred to the committee on the judiciary.

A message from the House of Representatives by Mr. Frierson. Mr. President: the House of Representatives have passed a bill to be entitled an act, supplemental to an act, to establish a turnpike road therein named, approved January 7th, 1830; in which they ask the concurrence of your honorable body.

The bill from the House of Representatives to be entitled an act, supplemental to an act to establish a turnpike therein mentioned, approved January 7th 1830, was read a first and second time and referred to the committee on roads, bridges and ferries.

Mr. Wilkinson from the special committee to whom was referred a bill, to be entitled an act to limit the President and Directors of the Bank of the State of Alabama at Mobile, reported an amendment thereto, by inserting the word "accommodation" after the word "on," in the sixth line of the first section, and also in the ninth line of the second section; which was concurred in. Yeas 14, nays 11.

Those who voted in the affirmative, are Messrs President Bibb Brodnax Burke Hemphill Johnson Keener McVay Morton Perkins Phillips Scott Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Barclay Borough Boyd Hogan Irwin of H. Lane Larkins Moore Nabors and Vining.

The Senate adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock, December 29, 1834.*—The Senate resumed the consideration of the report on the bill to limit the President and Directors of the Branch of the Bank of the State of Alabama at Mobile, and for other purposes. Mr. Hogan moved to lay the bill on the table until the first of June next; which was lost. Yeas 11, nays 16.

Those who voted in the affirmative, are Messrs Ashe Barclay Borough Brodnax Hogan Irwin of H. Johnson Lane Larkins Nabors and Perkins.

Those who voted in the negative, are Messrs President Arnold Bibb Boyd Brown Burke Hemphill Keener McVay Moore Morton Phillips Scott Vining Wallace and Wilkinson.

Mr President, (Mr Lyon) moved to strike out the second section of the bill; which was carried, and then the bill was passed. Yeas 14, nays 13.

Those who voted in the affirmative, are Messrs President Arnold Bibb Brown Burke Hemphill McVay Moore Morton Nabors Phillips Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Barclay Borough Brodnax Chapman Hogan Irwin of H. Johnson Keener Lane Larkins Perkins and Scott.

*Ordered*, that said bill be re-engrossed.

The joint resolution, proposing an amendment to the constitution of the State of Alabama, so as to authorise the election of judges of county courts, by the qualified electors of each county, was taken up. Mr Morton moved that the further consideration of said resolution be indefinitely postponed; which was lost. Yeas 7, nays 21.

Those who voted in the affirmative, are Messrs Barclay Borough Boyd Burke Morton Perkins and Vining.

Those who voted in the negative, are Messrs President Ashe Arnold Bibb Brodnax Brown Chapman Hemphill Hogan Erwin of H. Johnson Keener Lane Larkins McVay Moore Nabors Phillips Scott Wallace and Wilkinson.

Mr Wallace moved to amend the resolution by adding thereto an additional resolution.

And then the Senate adjourned until to-morrow morning at 10 o'clock.

*Tuesday, December 30.*—The Senate met pursuant to adjournment.

Mr Boyd from the special committee to whom was referred a bill, to authorise certain persons therein named to practice medicine without licence, reported a substitute by striking out all after the enacting clause and inserting another bill; which was agreed to, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Irwin of H. from the committee on military affairs, to whom was referred a resolution, instructing them to inquire into the expediency of repealing the law, allowing compensation to the Adjutant General, reported a bill to be entitled an act, to repeal so much of the military law as authorises compensation to the Adjutant General of the State; which was read a first and second time, and ordered to be engrossed for a third reading on to-morrow.

The Senate resumed the consideration of the joint resolution, proposing an amendment to the constitution of the State of Alabama, so as to authorise the election of the judges of the county courts, by the qualified electors of each county. Mr. Hogan called for a division of the question, involved in the amendment offered by Mr. Wallace, and the question being taken upon that part of the amendment relative to the jurisdiction of justices of the peace; it was rejected, and then the resolution and amendment were laid on the table.

On motion of Mr. Hemphill, the bill to be entitled an act, to abolish and establish certain election precincts therein named, was taken from the table and referred to a special committee, consisting of Messrs Keener, Arnold and Irwin of H.

Mr Moore moved to take from the table the following resolution: *Resolved*, that on to-morrow at 11 o'clock the Senate proceed to classify the new additional senators. Mr Moore moved to strike out all after the word "that," and insert "now proceed to classify the new additional senators;" which was carried, and the resolution as amended, adopted.

On motion of Mr Hogan, *Resolved*, that a committee of three senators be forthwith appointed, who shall act as tellers; and who shall prepare the ballots, to determine the class that each new senator shall draw and be arranged to; whereupon, Messrs Hogan, Moore and Brodnax were appointed said committee.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times and passed bills of the following titles, viz: an act for the relief of James M. Lenoir, executor of George W. Pitts, deceased; an act to divorce Barbary Lightfoot from her husband Bartholemew Lightfoot. They have also read three several times and passed a joint memorial, in relation to public lands; in which they ask the concurrence of your honorable body.

Mr Phillips from the committee on education, to whom was referred a bill from the House of Representatives to be entitled an act, to explain an act, to authorise the sales of sixteenth sections and for other purposes, approved January 15th, 1828, reported without amendment, and the bill was read a third time and passed.

Mr. Wallace from the special committee to whom was referred the bill, to be entitled an act to incorporate the Mobile, Tuscaloosa and Tennessee rail road company, reported as a substitute therefor, a bill to be entitled an act to incorporate the Mobile and Tennessee rail road company. Mr. Nabors moved to strike from the bill, reported as a substitute, the words, "and the expense of the survey hereby directed to be made, shall be paid out of the three per cent fund." *Ordered*, that said bill and amendments, and report be laid on the table.

Mr. President laid before the Senate the following communication from the President of the board of trustees of the University, viz:

In compliance with a resolution of the Senate, of the 19th instant, requesting me to furnish such information as may be in my possession, in relation to the mode and amount of compensation allowed the agent of the trustees of the University of Alabama, and also what duties are now required to be performed by said agent; and what by the Secretary of said board. I have to state, that by an ordinance of the board of trustees, the agent is allowed five per cent on the amount of money collected on all bonds and notes, whether collected by suit or otherwise, and no more, and two per cent for all money received for the sale or entry of the University land, and no more. The per cent as above stated, is all the compensation allowed the agent of the board. The duties which the agent is now required to perform, are to sell the land belonging to the University, and to permit entries of land as valued by the commissioners; to take bonds for the purchase of lands, and to permit leases, agreeable to the ordinances of the board. All bonds and notes due the University, are put in possession of the agent for collection. It is his duty to report annually to the trustees, and to make a correct exhibit of the sales and entries, and the amount of monies collected; and to perform such other duties as may be required by the board, in relation to the lands, and the debts due to the University of Alabama.

The duties required to be performed by the Secretary of the board, are to keep a regular journal of the proceedings of the board, to record the ordinances and resolutions of the board, to keep an account in relation to the funds of the University, to keep an account of the expenditures, to deliver to the agent all evidences of debts due the University, and to take his receipt for the same, to transcribe certain ordinances

and resolutions, and deliver them to the Comptroller and agent, to make out patents for lands and record them, and the receipts for full payments for land, to certify to the Comptroller all the accounts allowed by the board of trustees, and the amount to be paid to each individual.

Signed

JOHN GAYLE,

President of the Board of Trustees.

*Ordered*, that said communication be laid on the table.

The following communication, in reply to a resolution of the Senate, was received from the President of the Bank of the State of Alabama:

BANK OF THE STATE OF ALABAMA, }  
Tuscaloosa, December 30th, 1834. }

To the Hon. President of the Senate:

Sir—In answer to a resolution of the Senate, requiring the President of this Bank "to lay before the Senate, a statement of the amount that each Director owes on notes; and also, to state, whether the Directors pay the same curtailments at the end of every ninety days, that is, by the rules of the Board, required of others. Also what amount has been discounted to each Director on Bills of Exchange during the present year; and what amount is now running to maturity; when payable and by whom; and what amount will the Board have to discount on notes, between the first and fifteenth of January next, to the people at large; and what are the reasons that governed the Board, in refusing to discount generally, to the different counties, and whether there has been any resolution of the Board on this subject, and if so furnish a copy of said resolution, and the yeas and nays on the same;" a copy of which has been received and submitted to the Board of Directors for their consideration, and they have instructed me to reply, and communicate the information desired in the resolution, so far as it relates to the general policy and management of the institution. But in relation to the amount which the Directors, individually, are indebted, although they have no wish to conceal their private transactions and dealings with the Bank; yet it is believed that the resolution calls for information, which the President and Directors are, by law, not at liberty to make public; and so long as a law exists for their government on this subject, they feel a solemn obligation to observe its provisions, not only in regard to other dealers with the Bank, but also in regard to themselves.

By reference to the 12th section of the charter of the Bank, it will be seen, that the President and Directors are required to report certain information to the General Assembly, during the first week of every session, which statement is subject to the examination of the joint committee of both Houses, appointed for that purpose, with full powers to send for persons and papers. The same section makes it the duty of the Comptroller to inspect the general accounts in the books of the Bank, as often as he may please; and it is declared to be his duty, faithfully, to report all and every violation of the fundamental rules of this corporation, to the legislature: *Provided however*, that nothing in this clause shall imply a right of inspecting the account of any private individual, or individuals, or any body politic, or corporate.

In the 16th section of the charter, it is made the duty of the Bank to furnish monthly statements to the Comptroller; and the right is given to that officer, under the injunction of secrecy, to inspect all the accounts and books of the Bank. It is also made his duty to report to the legislature and if in his opinion it be necessary, to apply to the House for a select committee, who shall, under a like injunction of secrecy, take into consideration any matters relating to the Bank submitted to them by the Comptroller, and report at their discretion.

The 31st and 32d sections of the charter provide, that it shall be the duty of the Senate and House of Representatives at every session, each and separately, to elect a joint committee of three members from each House, who shall, under the injunction of secrecy, be invested with full powers to make a thorough examination of all the books and papers, of what nature or kind soever they may be, belonging to the said Bank, &c. &c.; and after enumerating many other duties, it is provided, that the said committee shall report to the General Assembly, each and every case, if any there be, of a violation of the Charter; of mismanagement of the concerns of the Bank, or of fraud, or imposition practiced by borrowers or others on the Directors or officers of the Institution. Said committee may, at their discretion, send for persons and papers, and compel the attendance of witnesses; *Provided however*, that nothing herein contained shall imply the right of said committee to report to the General Assembly the situation of any private debtor or creditor unless their situation or names are palpably connected with some imputed violation of the charter, mismanagement in the concerns of the Bank, or of some fraud or imposition practiced on the Directors or officers of the institution.

The above quotations from the charter were deemed necessary, in order that the members of the legislature may have the whole subject at once before them; from which it will be seen, as is confidently believed, that the only legal mode, by which the information sought for in the resolution, can be obtained, is through the joint committee. It was and is yet expected, that the joint committee will, minutely investigate the private accounts of individuals in Bank, generally, and of the individuals composing the Board of Directors particularly.

The Directors do not pay a curtailment at the end of every ninety days on their notes. (They do however pay discount in advance every ninety days) and with this exception their notes run to maturity, and are paid under the same rules as the notes of other dealers.

In relation to the amount which may be discounted on notes, from the first to the fifteenth of January, it is dependent on such a variety of circumstances, over some of which, this Board have no control, that it is impossible at this time to say, with that sort of mathematical certainty which would make a satisfactory answer.

As regards the reasons which governed the Board in distributing the discounts during the present year, they may have been various in different cases, or perhaps, with different individuals of the Board; but those, which were mainly alledged, were, that the legislature had divided the Banking capital, and located Banks in different sections of the State, each institution for the local convenience of the citizens of the circumjacent counties, and that by confining the operations of each



Bank to its immediate neighborhood, (sufficiently extended however to embrace a number of citizens equal in proportion to the amount of capital)—that the true situation and solvency of the customers of the different Banks would be more perfectly known to the different Boards of Directors.

On the 29th of January last, (the Board of Directors being then in session)—Mr Medlock offered the following resolution.

*Resolved*, That hereafter, all notes offered for discount at this Bank from any county, lying near any of the Branch Banks thereof, shall be placed upon the same footing and receive the same course of action, as notes offered from counties, contiguous to this Bank.

And the yeas and nays being demanded on its adoption, those who voted in the affirmative, were the President, and Messrs Andrews, Cook, Ewing, Medlock, Owen and Simonton—7.

Those who voted in the negative, were Messrs Cummins, Hogan, Lewin and Parish—4.

Consequently the resolution was adopted.

In closing this communication, I beg leave to append the copy of a resolution of this Board which was this day unanimously adopted, to wit:

*Resolved*, That it is the wish of this Board, that the joint committee, appointed by the General Assembly, to examine the condition of this Bank, be invited to examine with care and scrutiny, the indebtedness of every Director of this Bank, and to make such report to both Houses of the General Assembly, as in their discretion, they may think right and proper—or embracing each item as may be required by both Houses of the General Assembly.

All of which is respectfully submitted, by order of the Board

JOHN L. TINDALL, President.

Which communication was referred to the Bank committee.

Mr. Wilkinson introduced a joint resolution, requiring certain information from the President of the Bank of the State of Alabama and for other purposes; which were read a first and second time forthwith. Mr. Hogan moved to refer said resolution to a special committee; which was lost. Yeas 12, nays 16.

Those who voted in the affirmative, are messrs Arnold Barclay Borough Hogan Irwin of H. Lane McVay Moore Morton Nabors Scott and Wilkinson.

Those who voted in the negative, are messrs President Ashe Bibb Boyd Brodnax Brown Burke Chapinan Erwin of G. Johnson Keener Larkins Perkins Phillips Vining and Wallace.

On motion of Mr. Erwin of G. the resolution was referred to the committee on the State Bank.

On motion of Mr Brodnax, the bill to be entitled an act, pointing out the mode of appointing inspectors of elections and for other purposes, was taken from the table, and ordered to be engrossed for a third reading on to-morrow.

The bill from the House of Representatives to be entitled an act, to authorise the judge of the county court and commissioners of roads and revenue of Bibb county, to levy a special tax, was read a first and second time, and ordered to a third reading on to-morrow.

Mr. Chapman from the special committee to whom was referred the petition of certain citizens of Autauga county, residing in township 18, range 12, praying the passage of a law, authorising the funds arising from the sale of the sixteenth section in said township, to be drawn from the State Bank, where the funds are now deposited by law, and placed in the hands of certain free holders, to be loaned out or used for the benefit of the people of said township, reported that it is inexpedient to legislate on the subject; which was concurred in.

Mr Arnold introduced a bill to be entitled an act, to divide the seventy-second regiment of the militia of this State, and for other purposes; which was read a first and second time, and referred to the committee on military affairs.

The bill from the House of Representatives to be entitled an act, to authorise the militia officers of Dale county to establish a company beat, with a less number of privates than forty, was read a first and second time and referred to a special committee consisting of Messrs Irwin of H. Keener and Scott.

The bill from the House of Representatives, to be entitled an act, to change the time of holding the county courts of Morgan county, was read a first and second time, and referred to a special committee, consisting of Messrs Chapman, Lane and Wallace.

The bill from the House of Representatives to be entitled an act to change the time for holding the circuit courts for Marengo and Pickens counties, and for other purposes, was read and ordered to a second reading on to-morrow.

The bill from the House of Representatives to be entitled an act, authorising the judge of the county court and commissioners of roads and revenue of the county of Morgan to levy a county tax, was read a first and second time and referred to a special committee consisting of Messrs Chapman, Burke and Borough.

The bill from the House of Representatives to be entitled an act, to authorise George S. Massey & Co. to turnpike a certain road therein named, was read a first and second time, and referred to a special committee consisting of Messrs Arnold, Ashe, Chapman, Johnson and McVay.

Mr. Hogan from the special committee to which was referred the subject of classifying the new additional senators, reported that there are eight senators to be classified, viz: The senator from the district composed of the counties of Shelby and Coosa; of Blount; of Benton, Talladega and Randolph; of Pike, Macon and Tallapoosa; of Barbour, Russell and Chambers; of Wilcox; of Lowndes; and of Marion and Fayette; and that they have prepared eight tickets; three for the first class; two for the second class; and three for the third class, which will in future make each class equal in the Senate. And then the senators to be classified, were severally called up to draw for the class in which he should be placed. The senators from the district composed of the counties of Wilcox; of Blount; and of Lowndes drew in the first class. The senators from the districts composed of the counties of Pike, Macon and Tallapoosa; and of Benton, Talladega and Randolph, drew in the second class. The senators from the districts composed of the counties of Barbour, Russell and Chambers; of Fayette and Marion; and of Shelby and Coosa, drew in the third class.

Mr. Hogan moved that the Senate adjourn until to-morrow morning 10 o'clock; which was lost. Yeas 7, nays 21.

Those who voted in the affirmative, are messrs Arnold Brodnax Hogan Keener Morton Perkins and Scott.

Those who voted in the negative, are messrs President Ashe Barclay Bibb Borough Boyd Brown Burke Chapman Erwin of G. Hemphill Irwin of H. Johnson Lane Larkins McVay Moore Phillips Vining Wallace and Wilkinson.

And then the Senate adjourned until to-morrow half past 9 o'clock.

*Wednesday, December 30th*—The Senate met pursuant to adjournment.

A message from his excellency the Governor by Mr. Webster: His excellency the Governor has requested me to inform your honorable body, that he has approved and signed the following bills, viz: an act to vacate the seat of any president or director of the Bank of the State of Alabama, or any branch bank thereof; an act for the relief of D. C. Smith, executor of the last will and testament of William Hobbs, deceased; and an act to amend the act to incorporate the Cahawba Academy in the county of Dallas, passed January 10th, 1831.

A message from the House of Representatives by Mr. Frierson. Mr President: the House of Representatives have passed bills of the following titles, viz: an act authorising the judges of the county courts of Conecuh and Henry counties, to perform the duties of justices of the peace; an act to repeal in part and amend in part, the road laws in Walker county; an act to change the times of holding the county courts in the county of Sumter; an act to compensate certain tax collectors therein named; an act to amend an act, entitled an act, to establish a branch bank of the State of Al-

bama at Decatur; an act to define and extend the remedies of securities in certain cases; an act to authorise the inhabitants of township one, range ten, west of the meridian of Huntsville, to sell the sixteenth section in said township; an act to incorporate the planters and merchants insurance company at Decatur; an act to divide the seventy-fourth regiment of the militia of this State; in all of which they ask the concurrence of your honorable body.

Mr Wilkinson from the committee on divorce and alimony, to whom was referred a bill from the House of Representatives to be entitled an act to divorce James Munnerlyn from his wife Mary Munnerlyn, reported without amendment, and the bill was ordered to be read a third time on to-morrow.

Mr Wilkinson from the same committee to whom was referred a bill from the House of Representatives to be entitled an act to divorce James Bradley from his wife Henrietta Bradley, reported without amendment, and the bill was ordered to be read a third time on to-morrow.

Mr Wilkinson from the same committee to whom was referred a bill from the House of Representatives to be entitled an act to divorce Edward Newsom from his wife Matilda Newsom, reported without amendment, and the bill was ordered to a third reading on to-morrow.

Mr. Hogan from the committee on the State Bank, to whom was referred a joint resolution, requiring certain information from the President of the Bank of the State of Alabama and for other purposes, reported as a substitute for said resolution, a bill to be entitled an act to amend the charter of the Bank of the State of Alabama and the several branch banks thereof; which was read a first and second time. Mr Moore moved to amend the bill by striking out the second section; which was lost. Yeas 4, nays 22.

Those who voted in the affirmative, are Messrs Borough Hemphill Moore and Wilkinson.

Those who voted in the negative, are Messrs President Ashe Arnold Bibb Boyd Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Keener Lane Larkins McVay Nabors Phillips Scott Vining and Wallace.

Mr Lane moved to strike out the words "each branch of the legislature," and insert, "the joint examining committee;" which was lost. Yeas 12, nays 13.

Those who voted in the affirmative, are messrs President Bibb Brodnax Burke Chapman Hemphill Keener Lane Moore Phillips Scott and Wallace.

Those who voted in the negative, are Messrs Ashe Arnold Borough Boyd Brown Erwin of G. Hogan Irwin of H. Larkins McVay Nabors Vining and Wilkinson.

The bill was then ordered to a third reading and passed.

Mr Hogan from the committee on the State Bank, to whom was referred the report of the President and Directors of the Bank of the State of Alabama, dated 30th December, 1834, reported, that in the opinion of the committee the report of the president and directors is respectful, and in accordance with the charter of said Bank, and recommend that the report be referred to the joint examining committee, with instructions to procure the information called for, and report the same to the Senate. Mr Hogan moved to strike out the words "is in accordance with the charter of the Bank;" which was lost. Mr Moore moved to disagree to the report of the committee; and upon a division of the question being called for, a decision was first taken upon that part of the report, which asserted "that the reply of the president and directors is respectful, and in accordance with the charter of the Bank," and the motion to disagree failed. Yeas 9, nays 17.

Those who voted in the affirmative, are Messrs Bibb Borough Hogan Irwin of H. Lane McVay Moore Nabors and Wilkinson.

Those who voted in the negative, are Messrs President Ashe Arnold Boyd Brodnax Brown Chapman Erwin of G. Hemphill Johnson Keener Larkins Perkins Phillips Scott Vining and Wallace.

Mr Moore then withdrew his motion to disagree to the other part of the report; and then, on motion, the whole report was concurred in.

On motion of Mr McVay, *Resolved*, with the concurrence of the House of Representatives, that the two Houses of the General Assembly will adjourn *sine die*, on Saturday the 10th of January. *Resolved* further, that this resolution be forthwith sent to the House of Representatives for their concurrence. Mr. Wallace moved to lay the resolution on the table; which was lost. Yeas 9, nays 17.

Those who voted in the affirmative, are Messrs Hogan Johnson Lane Moore Nabors Perkins Phillips Vining and Wallace.

Those who voted in the negative, are Messrs President Ashe Arnold Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Irwin of H. Keener Larkins McVay Scott and Wilkinson.

On motion, messrs Chapman, Moore and Erwin of G. were added to the special committee to whom was referred the resolutions proposing the Hon. Hugh L. White of Tennessee as a suitable person for the next presidency.

Mr. Burke made the following report: the committee on accounts and claims, to whom was referred the claim of Argyle Campbell, with a bill for his relief have had the same under consideration, and have instructed me to report an additional section. The same committee have had under consideration, the claims of Wm. Caddell, Thomas P. Roberts, Noah B. Coker, Josiah Leach, Isaac Langhon, Zachariah Young, Allen Sneady, and have instructed me to report, that said accounts ought not to be allowed, and ask to be discharged from the further consideration of the same; which was concurred in. *Ordered*, that said bill be engrossed for a third reading on to-morrow.

Mr Lane introduced a bill to be entitled an act, to change the mode of appointing school commissioners; which was read a first and second time, and referred to the committee on education.

The President laid before the Senate, the report of Comptroller of public accounts, upon the financial concerns of the University of Alabama; which was laid on the table and sixty copies ordered to be printed for the use of the Senate.

On motion of Mr. Chapman, *Resolved*, that the joint committee appointed on the part of the Senate, to examine the State Bank, be instructed strictly to investigate that institution, with a view of ascertaining, whether there has been any such mismanagement as has been suggested, in a resolution adopted by the Senate, requiring the president of the Bank, to make a report of certain facts to the Senate, and said committee are requested to report such of the facts in said resolution suggested, as will in any manner shew a violation of the charter of the Bank, or any improper conduct whatever in the president and directors, or any of them.

And then the Senate adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock, December 31st, 1834.*—Mr Wilkinson moved to take from the orders of the day, a bill to be entitled an act, to regulate a portion of the discounts in the branch of the Bank of the State of Alabama at Mobile; which was carried. Mr Erwin of G. moved to refer the bill to a special committee, with instructions to strike out the words "most contiguous to Mobile;" which was lost. Yeas 12, nays 14.

Those who voted in the affirmative, are Messrs Ashe Bibb Boyd Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Perkins Phillips and Scott.

Those who voted in the negative, are Messrs President Arnold Borough Brown

Hogan Johnson Lane Larkins McVay Moore Nabors Vining Wallace and Wilkinson.

The question was then put, shall the bill pass, and decided in the negative. Yeas 13, nays 13.

Those who voted in the affirmative, are Messrs President Arnold Borough Brown Burke Hemphill Hogan Lane McVay Nabors Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Bibb Boyd Chapman Erwin of G. Irwin of H. Johnson Keener Larkins Moore Perkins Phillips and Scott.

Mr Moore moved to reconsider the vote just taken; which was carried, and the bill referred to a special committee consisting of messrs Erwin of G., Wilkinson and Hogan.

A message from the House of Representatives by Mr. Tuntstall. Mr President: the House of Representatives have passed a bill which originated in your honorable body, entitled an act to incorporate the Mobile cotton press and building company, and have amended the same by way of a substitute; in which amendmeet they ask the concurrence of your honorable body. The Senate concurred in said amendment.

Mr Keener from the special committee to whom was referred a bill to be entitled an act to abolish and establish certain election precincts therein named, reported the same as amended; which was concurred in, and the bill was laid on the table.

On motion of Mr Erwin of G. *Resolved*, that the secretary of the Senate be authorised to appoint John P. Graham as an assistant secretary.

Mr Irwin of H. from the special committee to whom was referred a bill from the House of Representatives to be entitled an act to establish a company beat of militia, with a less number than forty privates, reported the same as amended; which was concurred in, and the bill read a third time and passed.

Mr Perkins introduced a bill to be entitled an act to amend an act, entitled an act, to amend the charter of the Bank of the State of Alabama and its several branches, approved 18th January, 1834; which was read a first and second time forrhwith. Mr Hogan moved that the further consideration of the said bill be indefinitely postponed; which was carried. Yeas 15. nays 11.

Those who voted in the affirmative, are messrs President Ashe Arnold Bibb Boyd Brodnax Brown Hemphill Hogan Johnson Larkins McVay Nabors Vining and Wilkinson.

Those who voted in the negative, are Messrs Burke Chapman Erwin of G. Irwin of H. Keener Lane Moore Perkins Phillips Scott and Wallace.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Thursday, January 1st., 1835.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have passed bills of the following titles, which originated in the House of Representatives, viz: an act to establish a manufacturing company; an act to repeal in part, and amend an act, to provide for the summoning of jurors for the county court, approved, January 10, 1833; an act to authorise James Hamilton and James H. Neel, to open and turnpike a road therein named; an act to incorporate the Alabama female institute; an act for dividing the seventy-second regiment and for other purposes; in all of which they ask the concurrence of your honorable body. They have also passed the bill from the Senate, to be entitled an act, to permit Bryant Rushing to establish and keep a ferry therein named, and have amended the same as therein shown; in which they ask the concurrence of your honorable body. They concur in the resolution of your honorable body, proposing to adjourn on the 10th instant.

Mr Irwin of H. from the committee on military affairs, to whom was

referred a resolution, instructing them to inquire into the expediency of passing an act, requiring the patrol law to be printed in pamphlet form and distributed among the militia officers of the State; reported that it is inexpedient to legislate on the subject, inasmuch as it would run the State to a considerable expense, and your committee believe that the patrol laws are distributed by statute, to two justices of the peace, in each captain's beat in Aikin's Digest, which embraces all or most of the patrol law, now in force. *Ordered*, that said report be laid on the table.

Mr Bibb from the committee on roads, bridges and ferries, to whom was referred the bill from the House of Representatives to be entitled an act, supplemental to an act, to establish a turnpike road therein mentioned, approved January 7, 1830, reported without amendment, and the bill was read a third time and passed.

Mr Brown presented the petition of Levi Robbins, praying that he may be compensated for certain public services therein mentioned; which was referred to the committee on propositions and grievances.

Mr. Vining from the committee on enrolled bills, reported as correctly enrolled, an act to authorise the Bank of the State of Alabama and its several branches to issue post notes; an act to authorise a justice of the peace to appoint patrols; and an act to incorporate the town of Marion; all of which were accordingly signed by Mr President.

Mr. Hogan made the following report:

The joint select committee to whom was referred a resolution instructing them to inquire into the most suitable manner for the legislature, in behalf of the people of this State, to express the respect which they feel for the memory of General Lafayette, as well as the deep and profound sense of gratitude which they entertain for the signal services rendered by him to the American people during the revolutionary war; and the solemn and heartfelt emotions of grief with which they have been penetrated on account of his death, have instructed me to report: That they view in this awful dispensation of divine providence the removal from the scenes of this transitory life, of one who occupied a larger space in the affections of the American people, and the eyes of mankind in general, than any other human being, him to whom with one accord, we fondly apply the endearing appellation of the father of his country, only excepted. And until lofty patriotism, matchless wisdom, universal benevolence, the most enlarged philanthropy and spotless purity of character shall cease to be venerated, Lafayette must occupy a high place in the affections and esteem of the wise and virtuous throughout the lapse of all future ages, to the utmost ends of the earth. In the two most important dramas performed on the great theatre of nations in modern times, he was destined to act a splendid and conspicuous part. And altho' he was not able to resist, successfully, the awful tide of revolution that for a time overwhelmed his loved and cherished France, with all the horrors of bloodshed and devastation in their most tremendous forms, we see him amidst the rude shock of contending armies, the danger of war, that spirit of infuriate and murderous faction, which rendered France for a season an object of awe and terror to surrounding nations, the invariable champion of liberty, order and law. But the most interesting and endearing light in which the character of this great and good man can be contemplated by your committee, is in connection with our own glorious revolution and the illustrious actors in that memorable and mighty scene. Possessed of a fortune with which avarice itself might have been satisfied—blest with a wife who is said to have been lovely and interesting even beyond her sex—an hereditary member of the peerage of one of the most important governments of the earth, what but an unbounded love of liberty, and of true glory could have induced him, at the early age of nineteen years, to forego all the luxuries attendant upon boundless wealth, the felicities of domestic life, and the rank and consideration to which he was entitled in his native country, and unite his destiny to that of the pilgrim fathers of the American revolution? It was the love of liberty, pure, ardent, undefiled. Your committee are denied the pleasure of tracing the footsteps of their departed benefactor, through all the varied scenes of an useful and glorious life, to that grave over which the most grateful tears of two Hemisphere's will be shed. That is the appropriate province of history, who in the discharge of her proud and awful task, will not fail to exhibit him as a light and a land mark to those, who may be destined, hereafter, to walk in the paths of usefulness, virtue and glory.

Impressed as your committee most profoundly are, with emotions of the deepest grief at this awful dispensation of an all-wise and just providence, by which they have been deprived of the early and constant friend and benefactor of our common country—entertaining a sense of the liveliest gratitude for his many great and eminent services rendered to the people of the United States on so many occasions; cherishing as they can never cease to do as the most exalted respect for the memory and character of General Lafayette, they respectfully recommend the adoption of the following resolutions.

1. *Resolved*, That the members of this General Assembly will wear sashes on the left arm for the space of thirty days, in token of their respect for the memory and character of General Lafayette.

2. *Resolved*, That this General Assembly sympathise most sincerely with the family of General Lafayette for the loss which they, in common with the great family of mankind and of nations, have sustained in the death of this great and good man.



3. *Resolved*, That the Hon. John Rains of Marengo, be requested to deliver an eulogy on the life and character of General Lafayette, in the Hall of the House of Representatives, at the hour of 12 o'clock on the 8th day of January, 1835.

4. *Resolved*, That his Excellency the Governor be and he is hereby requested to forward a copy of this preamble and resolutions to the family of our illustrious and departed benefactor.

All of which was adopted.

On motion of Mr Perkins, the bill to be entitled an act, to regulate the collection of University debts, and the reply of the president of the trustees of the University to a resolution of the Senate, requesting certain information in regard to the compensation allowed to the agent and secretary of said board of trustees, were taken from the table and referred to a special committee consisting of Messrs Erwin of G., Wallace and Chapman.

Mr Chapman from the special committee to whom was referred a bill to be entitled an act, to authorise the judge of the county court and commissioners of revenue and roads of the county of Morgan, to levy a county tax, reported without amendment, and the bill was read a third time and passed.

Mr. Chrpman from the special committee to whom was referred a bill to be entitled an act to change the time of holding the county courts of Morgan county, reported without amendment, and the bill was read a third time and passed.

On motion of Mr Keener, the bill to be entitled an act to abolish and establish certain election precincts therein named, was taken from the table and placed among the orders of the day.

Mr Irwin of H. from the special committee to whom was referred a joint resolution to exempt certain persons from military duty, reported an amendment, by adding another resolution. Mr Lane moved to insert the words, "who have served five years as an officer in the militia of this State, all soldiers who have served in the army of the United States five years, all persons who have performed militia or patrol duty, since they have resided in the State of Alabama, all attorneys at law, calomel and steam doctors," after the words "west point academy;" which was lost. Yeas 3, nays 24.

Those who voted in the affirmative, are messrs Hemphill Keener and Lane.

Those who voted in the negative, are messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Larkins McVay Moore Nabors Phillips Scott Vining Wallace and Walthall.

Mr Phillips moved that the further consideration of said resolution and amendment, be indefinitely postponed; which was carried. Yeas 19, nays 10.

Those who voted in the affirmative, are messrs Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Keener Lane McVay Phillips Scott Vining and Wallace.

Those who voted in the negative, are messrs President Hogan Irwin of H. Johnson Larkins Moore Nabors Perkins Walthall and Wilkinson.

The bill from the House of Representatives to be entitled an act for the relief of purchasers of lands sold at the land office in Courtland, was read a first time. Mr Perkins moved that the further consideration of said bill be indefinitely postponed; which was lost. Yeas 12, nays 17.

Those who voted in the affirmative, are messrs President Ashe Arnold Bibb Borough Brown Burke Erwin of G. Larkins Perkins Scott and Vining.

Those who voted in the negative, are messrs Barclay Boyd Brodnax Chapman Hemphill Hogan Irwin of H. Johnson Keener Lane McVay Moore Nabors Phillips Wallace Walthall and Wilkinson.

The constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, the bill was read a second time, and referred to a special committee consisting of messrs Chapman, Lane and McVay.

The bill from the House of Representatives to be entitled an act to prevent the burning of the woods at improper seasons of the year, was read and ordered to a second reading on to-morrow.

The bill from the House of Representatives to be entitled an act in relation to suits of ejectment, demurrers, and the probate of deeds and relinquishments of dower, was read a first and second time, and referred to the committee on the judiciary.

The bill from the House of Representatives to be entitled an act, more effectually to punish offences committed with secret weapons, was read a first and second time, and referred to the committee on the judiciary.

The bill from the House of Representatives to be entitled an act to divorce Charlotte Dillard from her husband George Dillard, was read a first and second time and referred to the committee on divorce and alimony.

The bill from the House of Representatives to be entitled an act to divorce Caroline Barnes from her husband John Barnes, was read a first and second time, and referred to the same committee.

The bill from the House of Representatives to be entitled an act, to repeal an act therein named, was read and ordered to a second reading on to-morrow.

The bill from the House of Representatives to be entitled an act, to regulate the sale of poisonous drugs, was read a first and second time, and referred to a special committee consisting of messrs Phillips, Moore and Boyd.

The bill from the House of Representatives, to be entitled an act, for the relief of James M. Lenoir, executor of George W. Pitts, deceased, was read a first and second time, and referred to a special committee, consisting of Messrs Phillips, Burke and Wallace.

The bill from the House of Representatives to be entitled an act, defining the corporate limits of the town of Sommerville, in Morgan county, was read three several times and passed.

The engrossed bill from the House of Representatives to be entitled an act to amend an act, to incorporate the Madison and turnpike company, was read three several times and passed forthwith.

The bill from the House of Representatives to be entitled an act, to amend an act, passed December 28th 1832, entitled an act, to establish a State road from the town of Tuscaloosa to the Mississippi State line, in the direction of the town of Jackson, in the State of Mississippi, was read a first and second time, and referred to a special committee consisting of messrs Moore, Erwin of G. and Perkins.

The bill from the House of Representatives, to be entitled an act, to incorporate the town of Monticello in Pike county, was read three several times forthwith and passed.

The Senate concurred in the amendments made by the House of Representatives to the bill to be entitled an act, to authorise the estate of deceased persons to be reserved from sale for a limited time.

The joint memorial from the House of Representatives in relation to public lands, was read a first and second time, and ordered to a third reading on to-morrow.

The bill from the House of Representatives to be entitled an act to divorce Barbary Lightfoot from her husband Bartholomew Lightfoot, was read a first and second time, and referred to the committee on divorce and alimony.

The bill from the House of Representatives, to be entitled an act, to re-

peal in part and amend in part, the road laws in Walker county, was read three several times forthwith and passed.

The bill from the House of Representatives to be entitled an act authorising the judges of the county courts of Conecuh and Henry counties, to perform the duties of justices of the peace, was read a first and second time. Mr Irwin of H. moved to amend the bill, by striking out the word Henry, where it occurs in said bill; which was carried, and then the bill was laid on the table.

The engrossed bill from the House of Representatives to be entitled an act, to change the time of holding the county courts of the county of Sumter, was read three several times and passed.

The bill from the House of Representatives to be entitled an act to compensate certain tax collectors therein named, was read three several times and passed.

The bill from the House of Representatives to be entitled an act, to amend an act, entitled an act, to establish a branch of the bank of the State of Alabama at Decatur, was read three several times and passed.

The bill from the House of Representatives to be entitled an act, to define and extend the remedies of securities in certain cases, was read a first and second time, and referred to the committee on the judiciary.

The bill from the House of Representatives to be entitled an act to authorise the inhabitants of township one, range ten, west of the meridian of Huntsville, to sell the sixteenth section in said township, was read three several times and passed.

And then the Senate adjourned until 3 o'clock.

*Evening Session, 3 o'clock.*—Senate met pursuant to adjournment.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act, to exempt stud horses and jack asses from taxation, except in the county in which the owner resides, reported said bill without amendment, and asked that it be laid on the table; which report was concurred in.

Mr Erwin of G. introduced a bill to be entitled an act to repeal in part, and explain an act, entitled an act, to raise a revenue for the purpose of government, until otherwise altered by law, approved January 13th, 1827; which was read three several times and passed.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, an act extending the jurisdiction of the mayor of the town of Athens and for other purposes; and also an act to incorporate the steam cotton press and building company.

Mr Wallace from the special committee to whom was referred a bill to be entitled an act, for the relief of James M. Lenoir, executor of George W. Pitts deceased, reported the same back to the Senate without amendment, and recommended its passage, and the bill was ordered to a third reading on to morrow.

Mr Brodnax introduced a bill to be entitled an act for the relief of Sarah Briggs; which was read three several times and passed.

Mr Phillips from the committee on education, to whom was referred a bill to be entitled an act, to change the mode of appointing school commissioners, reported without amendment. *Ordered*, that said bill be engrossed for a third reading on to-morrow.

Mr Lane from the committee on internal improvement and inland navigation, to whom was referred a bill to be entitled an act, to incorporate the Florence and Waterloo rail road company, reported the same as amended; which was concurred in. Mr McVay moved to amend the bill by adding

at the end of the 18th section, the words, "provided the State of Alabama shall commence the canal in -- years from this time, and complete the same within ten years from this date;" which was lost. *Ordered*, that said bill be laid on the table.

A message from the House of Representatives by Mr Ford. Mr President: the House of Representatives have passed bills of the following titles, to wit: a bill to be entitled an act to incorporate a company to build a toll bridge and causeway across the Sipsey river and Swamp, in the direction of Columbus from Tuscaloosa; joint resolutions to our senators in Congress; a bill to be entitled an act to authorise the judge of the county court and commissioners of roads and revenue of the county of Jefferson, to sell a certain tract of land therein named and for other purposes; a bill to be entitled an act requiring of the Solicitor of the fourth judicial circuit, to perform certain duties therein named; a bill to be entitled an act, to authorise the commanding officers of the 26th regiment, to form a company beat of militia, with a less number of privates than forty, in the county of Henry and for other purposes; a bill to be entitled an act, authorising the judge of the county court and commissioners of roads and revenue of the county of Dallas, to pay Thomas J. Frow, for certain services therein named; in which they ask the concurrence of your honorable body.

The engrossed bill to be entitled an act to authorise Matthew L. Dixon, to practice medicine in the State of Alabama, was read a third time. Mr Keener moved to amend the bill, by way of engrossed rider, in these words: "and be it further enacted, that George McAdams be authorised to practice medicine in the county of Pike for the term of four years, and charge reasonable fees for the same." Mr Moore moved to lay the amendment on the table: which was lost. Yeas 8, nays 18.

Those who voted in the affirmative, are Messrs Ashe Bibb Borough Brown Burke Irwin of H. Moore and Perkins.

Those who voted in the negative, are Messrs President Barclay Boyd Brodnax Erwin of G. Hogan Johnson Keener Lane Larkins McVay Nabors Phillips Scott Vining Wallace Walthall and Wilkinson.

The amendment was then read a second and third time and adopted. The question was then put upon the passage of the bill, and decided in the affirmative.

The bill from the House of Representatives to be entitled an act to incorporate the planters and merchants insurance company at Decatur, was read a first and second time and laid on the table.

Mr Erwin of G. introduced a bill to be entitled an act to repeal the several acts regulating the practice of physicians; which was read a first time. Mr Barclay moved that the further consideration of said bill be indefinitely postponed, which was lost. Yeas 9, nays 17.

Those who voted in the affirmative, are Messrs President Barclay Boyd Hemphill Irwin of H. McVay Nabors Phillips and Wallace.

Those who voted in the negative, are Messrs Ashe Bibb Barclay Brodnax Brown Burke Chapman Erwin of G. Hogan Johnson Keener Lane Larkins Moore Vining Walthall and Wilkinson.

Mr Wallace moved to lay the bill on the table; which was lost. Yeas 13, nays 14.

Those who voted in the affirmative, are Messrs President Barclay Boyd Burke Chapman Hemphill Irwin of H. Keener McVay Nabors Perkins Phillips and Wallace.

Those who voted in the negative, are Messrs Ashe Bibb Borough Brodnax Brown Erwin of G. Hogan Johnson Lane Larkins Moore Vining Walthall and Wilkinson.

The bill was ordered to a second reading on to-morrow.

Mr Erwin of G. from the special committee to whom was referred the bill to be entitled an act, to regulate a portion of the discounts in the branch

of the Bank of the State of Alabama at Mobile, reported without amendment, and the bill was passed. Yeas 22, nays 7.

Those who voted in the affirmative, are Messrs President Arnold Bibb Borough Brodnax Brown Burke Chapman Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Nabors Perkins Vining Wallace Walthall and Wilkenson.

Those who voted in the negative, are Messrs Ashe Barclay Boyd Erwin of G. Moore Phillips and Scott.

The bill from the House of Representatives to be entitled an act to divide the seventy-fourth regiment of the militia of this State, was read a first and second time, and ordered to a third reading on to-morrow.

The bill to be entitled an act, to repeal so much of the militia law, as authorises compensation to the Adjutant General of the State, was read a third time. Mr Hogan moved to amend the bill by an engrossed rider, in the following words, "provided, that all the duties now required of the Adjutant General, be assigned to and performed by the Quarter Master General of this State without increase of salary;" which was carried, and the bill passed.

The bill from the House of Representatives, to be entitled an act to establish a manufacturing company, was read a first and second time. Mr Boyd moved to amend the bill by striking out the word "Tuscaloosa," in the sixth line of the first section, and insert "Alabama;" which was carried, and the bill was read a third time and passed.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Friday, January 2nd.*—The Senate met pursuant to adjournment.

Mr Chapman from the committee on the judiciary, to whom was referred a bill, to be entitled an act, to protect settlers on Indian reservations from evictions therefrom and for other purposes, reported the same as amended, and the bill was read a third time and passed.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have passed bills and joint resolutions of the following titles, viz: an act for the support of paupers in Morgan county; an act to incorporate the Talladega Male Academy; joint resolutions requiring the Secretary of State, to make out copies of certain acts, and forward the same to the several banks; joint resolutions instructing our Senators in Congress, upon certain resolutions of the last session of Congress, with regard to the Executive; in all of which they ask the concurrence of your honorable body. They have rejected an act, to attach a portion of the county of Pike to the county of Barbour. They concur in the amendments by the Senate, to the bill to be entitled an act to establish a company beat in the county of Dale, with a less number of privates than forty.

Mr Wallace from the committee on the judiciary, to whom was referred the bill to be entitled an act in relation to the duties of the judges of the county courts and for other purposes, reported the same as amended, and the bill was read a third time and passed.

A message from the House of Representatives by Mr Tunstall. Mr President: the House of Representatives have read three several times and passed a bill to be entitled an act to establish a branch of the Bank of the State of Alabama at Huntsville, and to increase the capital stock of the branch of the bank of the State of Alabama at Decatur; in which they ask the concurrence of your honorable body.

Mr Wallace from the committee on the judiciary to whom was referred a resolution insuructing them to inquire into the tenure by which the register and receiver of the land office at Courtland hold their offices; whether

it is competent to abolish one or both of these offices, and to require the duties of both to be performed by one officer; and whether it is not proper to reduce the salaries of these officers, reported a bill to be entitled an act, to repeal in part an act, passed 20th day of January 1829; which was read three several times forthwith and passed.

Mr Phillips introduced a bill to be entitled an act, to authorise the Governor to employ a private secretary; which was read a first and second time forthwith, and referred to the committee on the judiciary.

Mr Perkins moved to reconsider the vote of yesterday on the passage of a bill to be entitled an act to establish a manufacturing company; which was carried. Mr Perkins then moved to reconsider the vote, ordering the bill to a third reading; which was carried. Mr Boyd moved to reconsider the motion to strike out "Tuscaloosa," and insert "Alabama;" which was carried. The bill was then read a third time and passed.

Mr Moore from the special committee to whom was referred a bill from the House of Representatives to be entitled an act to regulate the sale of poisonous drugs, reported the same with sundry amendments; which were concurred in, and the bill read a third time and passed. Yeas 23, nays 3.

Those who voted in the affirmative, are Messrs President Ashe Arnold Bibb Borough Brodnax Brown Burke Chapman Hemphill Johnson Keener Lane Larkins McVay Nabors Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Boyd Erwin of H. and Moore.

Mr Chapman from the special committee to whom was referred the bill from the House of Representatives to be entitled an act for the relief of purchasers of lands sold at the land office in Courtland, reported without amendment, and the bill was read a third time and passed.

Mr Chapman from the special committee to whom was referred the bill from the House of Representatives to be entitled an act to authorise George S. Massey & Co. to turnpike a certain road therein named, reported the same with sundry amendments; which was concurred in, and the bill read a third time and passed.

Mr Wilkinson from the special committee to whom was referred the engrossed bill to be entitled an act to change the time of convening the General Assembly of the State of Alabama, and limiting the sessions thereof, with instructions to strike from said bill, so much thereof, as limits the future sessions of the General Assembly, and restricts their power of repealing the same, reported an amendment, by striking out all after the word "year," where it occurs in the fifth line of the first section; which was concurred in, and the bill passed. Yeas 23, nays 6.

Those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Borough Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins Moore Nabors Phillips Scott Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Boyd Brodnax Brown McVay Perkins and Walthall.

The words "and limit the sessions thereof," were stricken from the title of the bill.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill from the House of Representatives to be entitled an act, relating to the estate of George W. Cummins, reported without amendment, and the bill was read a third time and passed.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill to be entitled an act to prevent the retail of liquors in the town of La Grange, reported the same with sundry amendments. *Ordered*, that said bill and report be laid on the table.

Mr Lane introduced a bill to be entitled an act to change the mode of



collecting the debts due the bank of the State of Alabama and its several branches; which was read a first and second time and referred to the committee on the judiciary.

On motion of Mr Wilkinson, the joint resolution proposing an amendment to the constitution of the State of Alabama, so as to authorise the election of judges of the county courts, by the qualified electors of each county, together with the proposed amendment thereto, was taken from the table. *Ordered*, that said amendment be laid on the table. The resolution was then read a third time and passed. Yeas 26, nays 4.

Those who voted in the affirmative are, Messrs President Ashe Arnold Barclay Bibb Berough Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Nabors Phillips Scott Wallace Walthall and Wilkinson.

Those who voted in the negative are, Messrs Boyd Morton Perkins and Vining.

Mr Brown presented the petition of Joseph Rutherford, praying compensation for certain public services; which was referred to the committee on propositions and grievances.

The bill to be entitled an act to incorporate the Alabama life insurance and trust company, was taken from the table. Mr McVay moved to amend the bill by striking out all the words between the figures "4" and "5" in the second section; which was lost. Mr Wilkinson moved to strike out the word "four," and insert five, in the fourth line of the fourth section; which was carried. Mr Hogan moved to amend the bill, by inserting an additional section, between sections 26 and 28; which was carried. Yeas 21, nays 7.

Those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Brodnax Brown Burke Chapman Hogan Irwin of H. Johnson Keener Lane Larkins Moore Morton Perkins Phillips Scott Wallace and Wilkinson.

Those who voted in the negative, are Messrs Boyd Erwin of G. Hemphill McVay Nabors Vining and Walthall.

Mr McVay moved to strike from section thirty one, the words, "and shall receive on all occasions, a favorable construction;" which was carried. Mr Nabors moved to strike out the word "fifty," where the thirtieth section fixes the duration of the bill; which was carried. Mr McVay moved to strike out of the twenty second section, the words "shall be and is hereby guaranteed by the people of this State;" which was lost. Yeas 10, nays 18. Mr Nabors moved to amend the second section of the bill, by inserting after the figure "7" the words, "provided said company shall not have the right;" which was lost. Mr Brown moved that the further consideration of the bill be indefinitely postponed; which was lost. Yeas 9, nays 21.

Those who voted in the affirmative, are Messrs Ashe Arnold Bibb Berough Brown Hemphill Keener McVay and Nabors.

Those who voted in the negative, are Messrs President Barclay Brodnax Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Lane Larkins Moore Morton Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

*Ordered*, that the bill be engrossed for a third reading on to-morrow.

And then the Senate adjourned until 10 o'clock to-morrow.

*Saturday, January 3rd.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Ford. Mr President: the House of Representatives have passed bills, which originated with them of the following titles, viz: an act supplemental to an act, to incorporate the Cahawba river bridge company; an act to amend an act, incorporating the town of Huntsville, passed January 9th, 1828; an act to establish an additional board of physicians in the town of Montgomery; an act relative to the collection and payment of taxes in the county of Baldwin; an act for the relief of the city troop of horse, commanded by Capt. Wm Crothers of the city of Mobile; an act to provide for the payment of jurors

in the county of Pike; an act to revive and amend an act, entitled an act to incorporate the trustees of the Granville Academy in Butler county, approved December 5th, 1826; an act to incorporate the Millville light horse company in the county of Butler; an act providing a salary for the judge of the county court of Marengo, in lieu of the fees now allowed by law for his official services; an act to incorporate the town of Talladega; in all of which they ask the concurrence of your honorable body. They have passed a bill from the Senate entitled an act to amend the charter of the Bank of the State of Alabama and the several branch banks thereof, and have amended the same as therein shown; in which they ask the concurrence of the Senate. They have indefinitely postponed the bill from the Senate, to be entitled an act to allow Matthew L. Dixon and others to practice medicine in the State of Alabama.

Mr Chapman introduced a bill to be entitled an act, to repeal in part and amend a certain act therein named; which was read a first and second time forthwith, and ordered to be engrossed for a third reading on Monday next.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill from the House of Representatives to be entitled an act, making compensation to garnishees, reported that it is inexpedient to pass said bill; which was concurred in, and the bill accordingly rejected.

Mr Boyd introduced a bill to be entitled an act to incorporate the Centreville bridge company; which was read three several times forthwith and passed.

Mr McVay from the committee on propositions and grievances, to whom was referred the petition of Levi Robbins, praying compensation for certain public services, reported that said petition is unreasonable, and should not be granted; which, on motion of Mr Brown, was laid on the table.

On motion of Mr Burke, the engrossed bill to be entitled an act, making appropriation for the payment of certain claims against the State, was taken up, read a third time and passed.

On motion of Mr Johnson, the engrossed bill to be entitled an act to attach a part of the county of Jackson to the county of Blount, was taken up, read a third time and passed. Yeas 21, nays 5.

Those who voted in the affirmative, are Messrs President Ashe Arnold Bibb Boyd Brodnax Brown Burke Erwin of G. Hemphill Irwin of H. Johnson Keener Larkins McVay Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Barclay Borough Lane Moore and Nabors.

The engrossed bill to incorporate the life insurance and trust company, was read a third time. Mr Hogan moved to fill the blank in the thirty first section, fourth line after the words "during the term of" with the words "forty nine;" which was lost. Yeas 4, nays 24.

Those who voted in the affirmative, are Messrs President Hogan Perkins and Phillips.

Those who voted in the negative, are messrs Ashe Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Irwin of H. Johnson Keener Lane Larkins McVay Moore Nabors Scott Vining Wallace Walthall and Wilkinson.

Mr Erwin of G. being in the chair, Mr Lyon moved to fill said blank with the word thirty; which was carried. Yeas 16, nays 13.

Those who voted in the affirmative, are messrs President Barclay Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Lane Morton Perkins Phillips Scott Vining Wallace and Wilkinson.

Those who voted in the negative, are messrs Ashe Arnold Bibb Borough Boyd Brodnax Brown Hemphill Keener Larkins McVay Nabors and Walthall.

The bill was then put upon its passage and rejected. Yeas 15, nays 15.

Those who voted in the affirmative are Messrs President Barclay Burke Chapman Hogan Johnson Lane Larkins Morton Perkins Phillips Scott Vining Wallace and Wilkinson.

Those who voted in the negative are Messrs Ashe Arnold Bibb Borough Boyd Brodnax Brown Erwin of G. Hemphill Irwin of H. Keener McVay Moore Nabors and Walthall.

Mr Barclay from the committee on the State printing, to whom was referred the petition of David Ferguson, introduced a bill to be entitled an act for the relief of the State printer; which was read a first and second time, and referred to the committee on the judiciary.

Mr Brown moved to reconsider the vote on the passage of the engrossed bill to incorporate the Mobile life insurance and trust company; which was carried. Yeas 20, nays 10.

Those who voted in the affirmative are Messrs President Arnold Barclay Bibb Boyd Brown Burke Chapman Erwin of G. Hogan Johnson Lane Larkins Morton Perkins Phillips Scott Vining Wallace and Wilkinson.

Those who voted in the negative are Messrs Ashe Borough Brodnax Hemphill Irwin of H. Keener McVay Moore Nabors and Walthall.

Mr Keener moved to lay the bill on the table until the first day of June next; which was lost. Yeas 10, nays 18.

Those who voted in the affirmative are Messrs Ashe Bibb Borough Brodnax Hemphill Irwin of H. Keener McVay Nabors and Walthall.

Those who voted in the negative are Messrs President Barclay Boyd Brown Burke Chapman Erwin of G. Hogan Johnson Lane Larkins Morton Perkins Phillips Scott Vining Wallace and Wilkinson.

The bill was then laid on the table.

Mr Barclay introduced a bill to authorise the registering of deeds which have not been registered within the time prescribed by law; which was read a first and second time forthwith, and referred to the committee on the judiciary.

Mr Morton moved to take from the table the bill to be entitled an act to prevent the retailing of spirituous liquors in the town of La Grange, in Franklin county, together with the report of the committee on the judiciary made thereon; which was carried. The report was concurred in, and the bill as amended read a third time and passed. The title of the bill was amended by adding "or within two miles thereof."

The bill from the House of Representatives to be entitled an act to establish a branch of the Bank of the State of Alabama at Huntsville, and to increase the capital stock of the branch of the bank of the State of Alabama at Decatur, was read a first and second time, and referred to the committee on the State Bank.

On motion of Mr Lane, the engrossed bill to be entitled an act to amend the charter of the Bank of the State of Alabama and for other purposes, was taken up, read a third time, and passed. Yeas 21, nays 7.

Those who voted in the affirmative, are Messrs President Barclay Bibb Brodnax Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Keener Lane Larkins Moore Morton Nabors Perkins Phillips Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Arnold Borough Boyd Brown McVay and Scott.

Mr Vining from the committee on enrolled bills reported as correctly enrolled, an act to authorise the inhabitants of township one, range ten, west of the meridian of Huntsville, to sell the sixteenth section in said township; an act to explain an act, to authorise the sales of sixteenth sections and for other purposes, approved January 15th, 1828; an act to compensate certain tax collectors therein named; an act to repeal in part the road laws in Walker county; an act to amend an act, entitled an act, to establish a branch of the Bank of the State of Alabama at Decatur; an act to

authorise the militia officers of Dale county, to establish a company beat, with a less number of privates than forty; all of which were accordingly signed by Mr President.

The bill from the House of Representatives to be entitled an act to establish an additional board of physicians in the town of Montgomery, was read a first and second time. Mr Boyd moved to amend the bill by adding an additional section, to come in as section third; which was carried. Mr Moore moved to amend the second section of the bill, by inserting the word "appointed" before the word "guided;" which was carried. The bill was then read a third time forthwith and passed. The title was amended by the words "and Demopolis."

A message from the House of Representatives by Mr. Frierson. Mr. President: The House of Representatives have adopted the following resolution: *Resolved*, that a message be sent to the Senate, requesting the attendance of Samuel Wilkinson, John W. Lane, John B. Hogan and John M. Burke, members of the Senate, at half past 6 o'clock P. M. of January 3rd, in the conference room, to give evidence, in relation to the matters contained in the following resolution, adopted by the House, viz: *Resolved*, that a committee of three be appointed to inquire and report to the House, by what means and through whom a resolution of the board of directors of the State Bank of the 29th of January, 1834, and the yeas and nays thereon was made public; and that said committee have power to send for persons and papers. On which said resolution, James M. Calhoun, John D. Phelan and James Wallis were appointed said committee. *Ordered*, that said message be laid on the table.

Mr Lane moved that the Senate adjourn until Monday morning ten o'clock; which was lost. Yeas 10, nays 20.

Those who voted in the affirmative, are messrs Arnold Brodnax Brown Erwin of G. Lane Morton Nabors Perkins Scott and Vining.

Those who voted in the negative, are messrs President Ashe Barclay Bibb Brough Boyd Burke Chapman Hogan Irwin of H. Johnson Keener Larkins McVay Moore Phillips Wallace Walthall and Wilkinson.

And then the Senate adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Tunstall. Mr President: I am instructed by the House of Representatives to inform your honorable body, that they have reconsidered the vote taken on the indefinite postponement of the bill, which originated in the Senate to amend the charter of the Bank of the State of Alabama and the several branches thereof. I am also instructed to ask leave of the Senate, to withdraw said bill and the message accompanying the same. *Ordered*, that the clerk of the House of Representatives have leave to withdraw said bill and message accompanying it.

Mr President laid before the Senate the following communication from the Comptroller of Public Accounts:

COMPTROLLER'S OFFICE,  
Tuscaloosa, January 3rd, 1835. }

The Honorable Francis S. Lyon, President of the Senate:

SIR: I herewith submit in compliance with a resolution of the honorable Senate, a tabular view of the amount of taxes arising from each article of taxation within the State, during the year 1834, so far as the returns have been made to this office.

Your obedient servant,

(Signed)

GEORGE W. CRABB.

*Ordered*, that said communication and accompanying document be laid on the table, and 120 copies printed for the use of the Senate.

The joint resolutions upon the subject of graduating the public lands were,

an motion of Mr Burke, taken from the orders of the day, read a third time and passed.

The bill to be entitled an act, to repeal in part an act, entitled an act, amendatory to the several acts concerning witnesses, approved January 3d, 1832, was, on motion of Mr Erwin of G., taken up, read a second and third times forthwith, and passed.

Mr Hogan offered the following resolution: *Resolved*, that the House of Representatives be informed that the Senators from the counties of Mobile, Clark, Wilcox and Limestone, do not choose to attend the committee of the House of Representatives to give testimony, in relation to the matters contained in the following resolution adopted by the House of Representatives, viz: *Resolved*, that a committee of three be appointed to inquire and report to the House, by what means and through whom a resolution of the board of directors of the State Bank of the 29th of January, 1834, and the yeas and nays thereon were made public, and that said committee have power to send for persons and papers;" and the Senate decline taking any order thereon; which was adopted.

The bill from the House of Representatives, to be entitled an act to repeal in part, and amend an act to provide for the summoning of jurors for the county court, approved January 10th, 1833, was read three several times forthwith and passed.

The bill from the House of Representatives, to be entitled an act, to authorise James Hamilton and James H. Neel to open and turnpike a road therein named, was read a first and second time forthwith, and on motion of Mr Ashe referred to a special committee, consisting of Messrs Ashe, Chapman and Walthall.

The engrossed bill from the House of Representatives to be entitled an act to incorporate the Alabama Female Institute, was read three several times and passed.

On motion of Mr Erwin of G. the bill to be entitled an act to repeal in part a certain act therein named and for other purposes, was taken from the orders, read a second and third times forthwith, and passed.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, an act to authorise the personal estate of deceased persons to be reserved from sale for a limited time; which was accordingly signed by Mr President.

The bill from the House of Representatives to be entitled an act for dividing the seventy second regiment and for other purposes, was read a first and second time forthwith, and referred to the committee on military affairs.

The engrossed bill to be entitled an act to create a sinking fund for the ultimate redemption of the State bonds, was read a third time and passed.

The joint memorial to the Congress of the United States upon the subject of removing the land office from Mardisville to Jacksonville, was read a second and third times forthwith and passed.

The Senate concurred in the amendments of the House of Representatives to the bill to be entitled an act to permit Bryant Rushing to establish and keep a ferry therein named.

The bill to be entitled an act to compensate Argyle Campbell for prosecuting slaves in the county of Lawrence, was read a third time and passed.

The bill from the House of Representatives to be entitled an act, authorising the judge of the county court and commissioners of roads and revenue of the county of Dallas, to pay Thomas J. Frow for certain services therein mentioned, was read a first and second time forthwith and referred to the committee on accounts and claims.

The engrossed bill to be entitled an act to repeal an act, for the improvement of a road therein named, approved 13th of January, 1826, and for other purposes, was read a third time and passed.

The engrossed bill from the House of Representatives to be entitled an act authorising the commanding officers of the 25th regiment to form a company beat of militia, with a less number of privates than forty, in the county of Henry, and for other purposes, was read three several times forthwith and passed.

The bill from the House of Representatives to be entitled an act, requiring of the Solicitor of the fourth judicial circuit of this State, to perform certain duties therein named, was read a first and second time forthwith, and referred to a special committee, consisting of Messrs Brown, Hogan and Moore.

The bill from the House of Representatives, to be entitled an act to authorise the judge of the county court and commissioners of roads and revenue of the county of Jefferson, to sell a certain tract of land therein named, and for other purposes, was read three several times forthwith and passed.

The engrossed bill to be entitled an act to authorise certain persons therein named, to practice medicine, was, on motion of Mr Johnson, taken from the orders, read a third time and passed. Yeas 18, nays 10.

Those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Borough Boyd Brown Burke Chapman Irwin of H. Johnson Keener Moore Phillips Scott Vining Walthall and Wilkinson.

Those who voted in the negative, are Messrs Bibb Brodnax Erwin of G. Hemphill Lane Larkins McVay Nabors Perkins and Wallace.

The bill to be entitled an act to fix the salaries of the judges of the supreme and circuit courts, who may be hereafter elected and for other purposes, was read a second time. Mr Walthall moved to amend the bill by striking out the first and second sections; which was lost. Yeas 16, nays 14.

Those who voted in the affirmative, are Messrs Ashe Arnold Borough Boyd Brown Hemphill Irwin of H. Johnson Keener McVay Scott Wallace and Wilkinson.

Those who voted in the negative, are Messrs President Barclay Bibb Brodnax Burke Erwin of G. Hogan Lane Larkins Nabors Perkins Phillips Vining and Wallace.

*Ordered*, that said bill be engrossed for a third reading on to-morrow.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have passed the bill from the Senate, entitled an act, to revive, alter and amend an act, entitled an act, to incorporate the town of Demopolis in Marengo county, passed December 15th, 1821, and have amended the same as herein shown. The Senate concurred in the amendments of the House of Representatives to said bill.

The engrossed bill entitled an act, pointing out the mode of appointing inspectors of elections and for other purposes, was read a third time and passed.

And then the Senate adjourned until Monday morning 10 o'clock.

*Monday, January 5.*—The Senate met pursuant to adjournment.

Mr Wallace from the committee on education to whom was referred a resolution, instructing them to report a joint resolution, in relation to the exchange of sixteenth sections, reported a joint resolution in relation to the exchange sixteenth sections; which was read three several times and passed.

Mr Burke from the committee on accounts and claims, to whom was referred the bill from the House of Representatives, to be entitled an act authorising the judge of the county court and commissioners of roads and revenue of the county of Dallas, to pay Thomas J. Frow for certain services therein mentioned, reported without amendment, and recommended the passage of the bill; whereupon, the said bill was read a third time and passed.



Mr McVay from the committee on accounts and claims, to whom was referred the petition of Joseph Rutherford, praying compensation for certain public services therein named, reported that the prayer of the petitioner should not be granted; which was, on motion of Mr McVay, laid on the table.

Mr Hogan from the committee on the State Bank, to whom was referred the bill from the House of Representatives, to establish a branch of the Bank of the State of Alabama at Huntsville, and to increase the capital stock of the branch of the Bank of the State of Alabama at Decatur, reported the same with sundry amendments; which were concurred in, and the bill laid on the table until the evening session.

Mr Brown moved to take from the table, the report of the committee on propositions and grievances, made on the petition of Levi Robbins, together with said petition; which was carried, and then, on motion of Mr Brown, the petition, report and certain other papers relative to the petition, presented by Mr Brown, were referred to the committee on the judiciary.

Mr Lane introduced a bill to be entitled an act, to amend the act, incorporating the Athens rail road company, approved 14th of January, 1834; which was read three several times forthwith and passed.

Mr Perkins from the special committee to whom was referred joint resolutions, proposing to nominate the Hon. Hugh L. White to the people of the United States as a suitable candidate for the presidency, reported a substitute therefor. Mr McVay moved to amend the resolution, by striking out all after the word "resolved," and inserting, "that the Senate do consider Hugh L. White of Tennessee, a statesman eminently qualified for the office of chief magistrate of the United States; an individual more likely than any other, to unite the support of the democratic republican party throughout the Union, and especially the whole people of the South and West. But in the event there should be danger of the final determination of the next election for President, devolving on the House of Representatives of the Congress of the United States, we recommend to the people of Alabama, to take such measures, and select such person, as in their judgment, should be best calculated to prevent that contingency." Mr Brown moved to lay the resolution and report on the table, until the first day of January next; which was lost. Yeas 6, nays 23.

Those who voted in the affirmative, are messrs Ashe Arnold Brown Hogan Larkins and Nabors.

Those who voted in the negative, are messrs President Barclay Bibb Borough Boyd Brodnax Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Lane McVay Moore Morton Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

Mr Erwin of G. moved to lay the amendment of the committee on the table; which was carried. Mr Erwin of G. moved to lay the resolution, together with Mr McVay's amendment on the table; which was lost. Yeas 10, nays 20.

Those who voted in the affirmative, are messrs Ashe Arnold Borough Brown Erwin of G. Hogan Johnson Larkins Nabors and Wilkinson.

Those who voted in the negative, are Messrs President Barclay Bibb Boyd Brodnax Burke Chapman Hemphill Irwin of H. Keener Lane McVay Moore Morton Perkins Phillips Scott Vining Wallace and Walthall.

The question was then taken on Mr McVay's motion to amend as before stated, and a division of the question having been demanded, the will of the Senate, was first taken on the motion to strike out, and decided in the affirmative. Yeas 24, nays 6.

Those who voted in the affirmative, are messrs President Arnold Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Ir-

win of H. Johnson Larkins McVay Moore Morton Perkins Phillips Scott Vining and Wilkinson.

Those who voted in the negative, are Messrs Ashe Keener Lane Nabors Wallace and Walthall.

Mr Erwin of G. moved to amend the amendment offered by Mr McVay, by adding the words, "and that this resolution be submitted to the people of this State, on the first Monday of August next, for their approbation or rejection. Mr President decided that the motion was not in order, inasmuch as the vote of the Senate had already been taken on the first branch of Mr McVay's motion, from which decision, Mr Erwin of G. appealed to the Senate, and the chair was sustained. The question was then put on the other branch of Mr McVay's motion, which was to insert as before said, and carried. Yeas 25, nays 4.

Those who voted in the affirmative, are Messrs President Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Lane Larkins McVay Moore Morton Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Ashe Hogan Johnson and Nabors.

Mr Hogan moved to amend the resolution, by inserting after the name of Hugh L. White of Tennessee, "or Philip P. Barbour of Virginia, Martin Van Buren of New-York, Lewis Cass of Michigan, John Forsyth of Georgia, or Thomas H. Benton of Missouri." Mr Lane moved that the main question be now put; which was carried. Yeas 24, nays 6.

Those who voted in the affirmative, are Messrs President Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Hemphill Irwin of H. Keener Lane Larkins McVay Moore Morton Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Ashe Arnold Erwin of G. Hogan Johnson and Nabors.

The main question being then put, shall the resolution, as amended, be adopted; it was decided in the affirmative. Yeas 19, nays 11.

Those who voted in the affirmative, are messrs President Barclay Boyd Brodnax Burke Chapman Hemphill Irwin of H. Keener Lane McVay Moore Morton Perkins Phillips Scott Wallace Walthall and Wilkinson.

Those who voted in the negative, are messrs Ashe Arnold Bibb Borough Brown Erwin of G. Hogan Johnson Larkins Nabors and Vining.

The title of the resolution was amended, by striking out "this general assembly," and inserting "the Senate of Alabama."

Mr Wallace moved to take from the table, the bill to be entitled an act, to incorporate the Mobile, Tuscaloosa and Tennessee rail road company; which was carried. Mr McVay moved to amend the amendment, proposed by the special committee to said bill, by striking out of the sixth section, after the word "route," "so as," to preserve the word "to;" strike out the remaining part of the section, and insert the words, "the State line in a direction to Nashville, in the State of Tennessee," and then said bill was referred to a special committee, consisting of Messrs Wallace, Erwin of G. and Perkins.

Mr Wallace introduced a joint memorial to the Congress of the United States on the subject of the two per cent fund and for other purposes; which was read three several times forthwith and passed.

Mr Wallace introduced a joint memorial to the Congress of the United States, on the subject of the refuse lands, in the Huntsville land district, which was read three several times forthwith, and passed.

On motion of Mr Erwin of G. the bill to be entitled an act to incorporate the Mobile life insurance and trust company, was taken up, and referred to a special committee with instructions.

Mr Keener moved to take from the orders of the day, the engrossed bill

to be entitled an act, to incorporate the town of Lafayette in the county of Chambers; which was carried, and the bill read a third time and passed.

Mr Chapman introduced a bill, to be entitled an act, to repeal in part an act, to amend the several acts, relating to the sixteenth sections, approved January 10th, 1834, which was read three several times forthwith and passed.

Mr Chapman introduced a bill to be entitled an act, to amend an act, passed January 12th, 1833, entitled an act concerning attachments; which was read a first and second times forthwith and passed.

Mr Chapman introduced a joint resolution, proposing an amendment to the constitution; which was read a first and second time, and referred to the judiciary committee.

The joint resolutions from the House of Representatives to our senators and representatives in Congress, were read three several times forthwith and passed.

Mr Chapman introduced a bill to be entitled an act to alter and amend the law in relation to attorneys and for other purposes; which was read a first and second times, and referred to the committee on the judiciary.

The bill from the House of Representatives to be entitled an act to incorporate the Mobile and cedar point rail road company, was read a first and second times, and referred to a special committee, consisting of Messrs Hogan, Wilkinson and Bibb.

The bill from the House of Representatives, to be entitled an act for the relief of Gabriel Moore, was read a second time. Mr Hogan moved to amend the bill, by inserting after "Gabriel Moore," "or any other person;" which was lost. Mr Phillips moved to amend the bill by inserting after "Gabriel Moore," Michael J. Kennon and T. Jefferson Jones; which was carried. The bill was then read a third time and passed. Yeas 18, nays 10.

Those who voted in the affirmative, are Messrs Arnold Barclay Bibb Boyd Brodnax Burke Chapman Irwin of H. Keener Lane Moore Morton Perkins Phillips Scott Vining Wallace and Walthall.

Those who voted in the negative, are Messrs Ashe Borough Brown Erwin of C. Hemphill Hogan Larkins McVay Nabors and Wilkinson.

*Evening Session, 3 o'clock.*—Mr Bibb introduced a bill to be entitled an act, to amend an act, to incorporate a company, to build a toll bridge across the Coosa river, at Wetumpka, approved January 17th, 1834; which was read three several times forthwith and passed.

Mr Ashe moved to take from the table, the bill from the House of Representatives to be entitled an act, to divide the seventy fourth regiment of the militia of this State; which was carried, and the bill read a third time and passed the Senate.

The Senate disagree to the amendments made by the House of Representatives, to the bill to be entitled an act, to amend the charter of the Bank of the State of Alabama and the branch banks thereof.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times and passed bills of the following titles; which originated in the House of Representatives, viz: an act authorising the citizens of the town of Fayetteville to work on the streets of said town; an act to authorise Pleasant Mayhew, to erect a toll bridge across Prairie creek, near its mouth, and for other purposes; an act to authorise Thomas A. Smith and his associates, to erect a wharf on the Black Warrior river, opposite the town of Tuscaloosa; an act to authorise the Governor to employ an engineer, for a certain purpose therein specified; an act to incorporate the Mobile and cedar point rail road company; in all of which they ask the concurrence of your honorable body.

They have also passed bills which originated in the Senate, of the following titles, viz: an act to incorporate the Mobile ice company; an act to revive an act, entitled an act, to incorporate the town of Pikeville, in the county of Marion, and for other purposes; an act making appropriations for the payment of certain claims against the State; an act to prohibit the circulation of certain bills and notes therein mentioned and for other purposes, and have amended the same as therein shown: in which they ask the concurrence of the Senate; an act for the relief of T. B. Bethea, and for other purposes; an act to repeal in part, and explain an act, entitled an act, to raise a revenue for the support of government, until otherwise altered by law, approved January 13th, 1827. They concur in the amendments made by your honorable body, to the bill entitled an act, to establish an additional board of physicians in the town of Montgomery. They have also adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will convene in the Representative Hall on Monday evening the 5th instant, at half past 6 o'clock, P. M. for the purpose of going into an election for members of the medical boards, established in Montgomery and Demopolis. They have also passed a bill of the following title, which originated in the Senate, to wit: an act to repeal in part an act, passed 20th day of January 1829. They concur in the amendments made by the Senate to the bills of the following titles, to wit: an act to regulate the sale of poisonous drugs; an act to authorise George S. Massey & Co. to turnpike a certain road therein named. They have rejected a bill entitled an act, to change the time of convening the general assembly of the State of Alabama. They have indefinitely postponed the bill entitled an act, to protect settlers on Indian reservations from evictions therefrom, and for other purposes.

Mr Vining from the committee on enrolled bills, reported correctly enrolled, an act to permit Bryant Rushing to establish and keep a ferry therein named; an act to revive, alter and amend an act, entitled an act, to incorporate the town of Demopolis, in Marengo county, passed December 15th, 1821.

Mr Irwin of H. from the committee on military affairs, to whom was referred an engrossed bill from the House of Representatives to be entitled an act, for dividing the seventy second regiment and for other purposes, reported a substitute therefor, by striking out all after the enacting clause; which was concurred in, and the bill as amended, read a third time and passed. The title was amended by adding thereto the words, "in the county of Benton."

Mr Hogan from the special committee to whom was referred the bill from the House of Representatives to be entitled an act, requiring the solicitors of the fourth judicial circuit of this State, to perform certain duties therein named, reported without amendment, and recommended the passage of the bill; whereupon the bill was read a third time and passed.

The bill from the House of Representatives to be entitled an act, providing a salary for the judge of the county court of Marengo, in lieu of the fees now prescribed by law, for his official services, was read three several times forthwith and passed.

The bill from the House of Representatives, to be entitled an act to incorporate the town of Talladega, was read a first and second time forthwith. Mr Arnold moved to amend the bill, by adding at the end of the last section, the words, "provided, however, that nothing in this act shall be so construed, as to exempt the citizens of said corporation, from working on the public roads of said county;" which was carried, and the constitutional rule being further suspended, the bill was read a third time forthwith and passed.

The bill to be entitled an act, to authorise the building a court house in the county of Madison, was read a second and third times forthwith, and passed.

Mr Erwin of G. from the special committee to whom was referred the engrossed bill, to be entitled an act to incorporate the Mobile life insurance and trust company, with certain instructions, reported as instructed, and the amendments were concurred in, and the bill passed. Yeas 18, nays 10.

Those who voted in the affirmative, are Messrs President Barclay Borough Burke Chapman Erwin of G. Hogan Johnson Lane Larkins McVay Morton Perkins Phillips Scott Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Bibb Boyd Brodnax Hemphill Irwin of H. Keener Moore Nabors and Walthall.

Mr Erwin of G., from the committee on the judiciary, to whom was referred a bill to be entitled an act, to repeal in part an act therein named, and for other purposes, reported without amendment. The bill was read a third time and passed.

Mr Phillips introduced a bill to be entitled an act, to amend an act, to incorporate the Cahawba navigation company, approved January 10th, 1827, and an act supplemental thereto, approved January 29th, 1829, was read three several times and passed.

Mr Lane offered the following resolution: *Resolved*, that five hundred copies of the preamble and resolutions, nominating the Hon. Hugh Lawson White of Tennessee, as a suitable person for the office of President of the United States, together with the names of senators who voted for and against the passage of the resolutions, be printed for the use of the Senate; which was adopted. Yeas 17, nays 11.

Those who voted in the affirmative, are Messrs Barclay Brodnax Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Lane Larkins McVay Morton Perkins Phillips Scott Wallace and Walthall.

Those who voted in the negative, are Messrs Ashe Arnold Bibb Borough Boyd Brown Hogan Johnson Nabors Vining and Wilkinson.

Mr Vining moved to take from the table, the bill from the House of Representatives to be entitled an act, to establish a branch of the Bank of the State of Alabama at Huntsville, and to increase the capital stock of the branch of the Bank of the State of Alabama at Decatur; which was carried. Mr Erwin of G. moved to strike from the 14th section of the bill, the words "one million," and insert "five hundred thousand;" which was lost. Yeas 6, nays 20.

Those who voted in the affirmative, are Messrs Brodnax Erwin of G. Hemphill Nabors Walthall and Wilkinson.

Those who voted in the negative, are Messrs President Ashe Barclay Bibb Brown Burke Chapman Hogan Johnson Keener Lane Larkins McVay Moore Morton Perkins Phillips Scott Vining and Wallace.

On motion of Mr Scott: *Resolved*, that the committee on the State Bank be instructed to report a bill to increase the capital stock of the branch of the Bank of the State of Alabama at Montgomery, two hundred thousand dollars; which was adopted.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Tuesday, January 6th*—The Senate met pursuant to adjournment.

Mr Wallace from the special committee to whom was referred the bill to be entitled an act, to incorporate the Mobile, Tuscaloosa and Tennessee rail road company, together with a substitute proposed by a special committee to whom the bill was referred on the 26th of December last, reported the bill and aforesaid substitute, back to the Senate as amended; which was concurred in. Mr Wallace moved that the Senate agree to the substitute proposed by the special committee raised on the 26th of December last; which was carried, and the bill read a third time. Mr Erwin of G.

moved to amend the bill as amended, by adding a proviso in these words: "provided, that before any route for said road shall be finally established, it shall be approved by both Houses of the general assembly;" which was carried. On motion of Mr Wallace, the motion ordering the bill to a third reading, was re-considered, and the bill referred to a special committee, consisting of Messrs Wallace, McVay, Wilkinson, Erwin of G. and Hogan; which committee reported the bill back with an amendment, by striking out the word "thirteen" and inserting "seventeen;" which was concurred in, and the bill read a third time and passed. Yeas 16, nays 10.

Those who voted in the affirmative, are Messrs President Ashe Arnold Bibb Borough Burke Erwin of G. Lane Larkins McVay Moore Morton Phillips Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Boyd Brodnax Brown Hemphill Irwin of H. Johnson Keener Nabors Vining and Scott.

The bill from the House of Representatives to be entitled an act to establish a branch of the Bank of the State of Alabama at Huntsville, and to increase the capital stock of the branch of the Bank of the State of Alabama at Decatur, was read a third time and passed. Yeas 24, nays 6.

Those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brown Burke Chapman Hogan Irwin of H. Johnson Keener Larkins McVay Moore Morton Nabors Perkins Phillips Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Erwin of G. Hemphill Brodnax Lane Scott and Walthall.

Mr Moore introduced a joint resolution, explanatory of an act, approved November 17th, 1832, for the relief of Archibald P. Howe and William C. Wilson; which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith, and referred to the committee on the judiciary.

A message from his excellency the Governor by Mr Webster, Secretary of State. Mr President: His excellency the Governor has requested me to inform your honorable body, that he has approved and signed bills of the following titles, viz: an act to incorporate the Mobile steam cotton press and building company; an act extending the jurisdiction of the mayor of the town of Athens, and for other purposes; an act to authorise the personal estate of deceased persons to be reserved from sale for a limited time.

Mr Hogan offered the following resolution: *Resolved*, that the Secretary of the Senate be authorised to employ sufficient help, to enable him to keep up with the business of the Senate; which was adopted.

Mr Wilkinson introduced a bill to be entitled an act to establish a ferry therein specified; which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, was read a second and third times forthwith, and passed.

Mr Chapman from the special committee to whom was referred the bill from the House of Representatives to be entitled an act to authorise James Hamilton and James H. Neel to open and turnpike a road therein named, reported the same with sundry amendments; which were concurred in, and the bill read a third time and passed.

A message from the House of Representatives by Mr Ford. Mr President: the House of Representatives have read three several times and passed bills of the following titles, viz: an act to authorise Mary Gordon and Noflet Goodwin, guardians of Edward M. Portis, Benjamin P. Portis, Darius M. Portis and John W. Portis, to remove the personal estate of said minors from the county of Clarke to the county of Sumter; an act to repeal in part an act, approved January 17th, 1834, to amend the road laws; an act to authorise lawyers, residing in the State of Mississippi, to practice



law in the circuit and county courts of this state; an act to incorporate the town of Gainesville in Sumter county; an act for the relief of Champion Easter; and an act for the benefit of the people of the town of Carrollton, in the county of Pickens; in all of which they ask the concurrence of the Senate.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times and passed bills and joint resolutions of the following titles, which originated in the Senate, viz: an act to compensate Argyle Campbell, for prosecuting slaves in the county of Lawrence; an act for the relief of Sarah Briggs, and have amended the same as within shown; in which they ask the concurrence of the Senate; an act to incorporate the Centreville bridge company; an act to repeal in part an act, entitled an act, amendatory to the several acts, concerning witnesses, approved January 3rd, 1832; resolutions upon the subject of graduating the price of the public lands; an act to incorporate the town of Lafayette, in the county of Chambers. They insist on the amendments made by the House of Representatives, to the bill entitled an act to amend the charter of the Bank of the State of Alabama and the several branch banks thereof, which amendments were disagreed to by your honorable body; an act for the relief of Thomas Allison; an act to change the name of Louisa Blankenship, and for other purposes; an act to authorise the taking of the stock, reserved to the State, by the act to increase the capital stock of the Mobile Bank, and have amended the same by striking all out, after the enacting clause, and inserting a substitute in lieu thereof, as therein shown. They have also amended the caption as therein shown; in which amendments they ask the concurrence of your honorable body. They have also rejected bills of the following titles, which originated in the Senate, viz: an act to prevent the retail of liquors in the town of La Grange; an act to amend the charter of the Bank of the State of Alabama, and for other purposes; and indefinitely postponed the following, to wit: an act to authorise certain persons therein mentioned to practice medicine; joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, upon the subject of removing the land office from Mardisville to Jacksonville; an act to provide an additional remedy against constables for failing to return executions. They have also passed bills of the following titles, viz: an act to authorise the summoning additional jurors in the county of Wilcox; an act to amend the several acts for the incorporation of the town of Cahawba; in which they ask the concurrence of your honorable body. They have also passed bills of the following titles, which originated in the House of Representatives, viz: an act to incorporate the town of Livingston, the county site of Sumter county; an act to divorce Patsey Sillman from her husband Fielding Sillman; an act to divorce Dorcas E. Clary from her husband John Clary; an act to divorce Sophronia Strange from her husband John Strange; an act for the relief of certain persons therein named; an act to divide Sumter county into two regiments; an act to form a company beat of militia with a less number of privates than forty, in the county of Franklin; an act to incorporate the cane brake legion of cavalry at Macon, in the county of Marengo; and also engrossed joint resolutions; in all of which they ask the concurrence of your honorable body.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill to be entitled an act, to authorise the Governor to employ a private Secretary, reported the same without amendment. On motion of Mr Phillips, the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Erwin of G. from the committee on the judiciary, to whom was referred an engrossed bill from the House of Representatives, to be entitled an act to regulate the collection of University debts, reported the same. Mr Erwin of G. moved to amend the bill by an additional section. Mr Chapman moved to amend the amendment by adding a proviso thereto in these words, —————. The amendment as amended, was adopted, and the bill read a third time and passed.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, an act for the relief of T. B. Bethea; an act to repeal in part an act passed the 20th of January, 1829; an act to incorporate the Mobile ice company; an act making appropriations for the payment of certain claims against the state; which were accordingly signed by Mr President.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill from the House of Representatives, to be entitled an act for the relief of Sarah Ward, reported without amendment. Mr Erwin of G. moved to amend the bill by adding thereto a proviso in these words, "and no property acquired by the said Sarah Ward, shall be liable for the payment of the debts of her husband;" which was carried. The bill was then read a third time and passed.

Mr Hogan from the special committee to whom was referred the bill from the House of Representatives to be entitled an act to incorporate the Mobile and cedar point rail road company, reported without amendment, and the bill was read a third time and passed.

Mr Bibb from the special committee to whom was referred, so much of the Governor's message as relates to the dividing line, between this State and the State of Georgia, together with the accompanying documents, reported a joint memorial of the Senate and House of Representatives of the State of Alabama in general assembly convened, to the Congress of the United States; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith and passed.

The bill from the House of Representatives, to be entitled an act to incorporate a company, to build a toll bridge and causeway across the Sipsey river and swamp, in the direction to Columbus from Tuscaloosa, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time and referred to a special committee, consisting of Messrs Irwin of H., Perkins and Moore.

Mr Borough presented the account of Norman McKay, jailor of Marion county; which was referred to the committee on accounts and claims.

Mr Lane presented the account of John H. Vincent; which was referred to the same committee.

The Senate concur in the amendments of the House of Representatives, to the bill to be entitled an act, for the relief of Sarah Briggs.

On motion of Mr Keener, the bill to be entitled an act, to establish and abolish certain election precincts therein named, was taken up. Mr Nabors moved to amend the bill, by adding after the name of the last person or place in the first section of the bill, the words, "and one at the house of William Terry in Coosa county;" which was carried, and the bill read a third time and passed.

Mr Wallace offered the following resolution: *Resolved*, that the Senate will meet at half past six o'clock, every evening during the balance of the session, for the purpose of acting upon the private and local bills; which was adopted.

The engrossed joint resolutions, instructing our Senators in Congress, upon certain resolutions of the last session of Congress, with regard to the executive, was read and ordered to a second reading on to-morrow.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill to be entitled an act, the better to secure the rights of *femes covert*, reported the same with sundry amendments; which were concurred in, and the bill read a third time. Mr Wilkinson moved to refer the bill to a special committee, with instructions to strike out so much of the bill as amended, as authorises the wife or her heirs, to sue for any property or estate, which belonged to her in marriage; which was carried; whereupon, messrs Erwin of G., Wilkinson and Bibb were appointed said committee.

On motion of Mr. Walthall, all bills of a local or private nature, were laid over until 6 o'clock.

The engrossed joint resolutions from the House of Representatives requiring the Secretary of State, to make out copies of certain acts, and forward to the several banks, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith and passed.

Mr Erwin of G. from the special committee to whom was referred the bill from the House of Representatives, to be entitled an act, for the relief of William Dunlap, reported the same without amendment, and the bill was read a third time and passed. Yeas 20, nays 8.

Those who voted in the affirmative, are Messrs President Ashe Barclay Borough Boyd Brodnax Brown Burke Chapman Keener Larkins McVay Moore Morton Perkins Phillips Scott Vining Walthall and Wilkinson.

Those who voted in the negative, are Messrs Bibb Erwin of G. Hemphill Irwin of H. Johnson Lane Nabors and Wallace.

*Evening Session, 6 o'clock.*—The Senate met pursuant to adjournment.

Message from the House of Representatives by Mr Tunstall. Mr President: the House of Representatives disagree to the amendment made by the Senate to the bill to establish a branch of the Bank of the State of Alabama at Huntsville, and to increase the capital stock of the branch of the Bank of the State of Alabama at Decatur, by striking therefrom a proviso in the 14th section. They concur in all the other amendments to said bill. *Ordered*, that the Senate recede from the amendment in said bill, in the 14th section.

Message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have read three several times, and passed bills of the following titles, and the following joint memorial, viz: engrossed joint memorial, to the Congress of the United States in relation to the sixteenth sections, in that portion of Alabama commonly called the Creek territory; an act defining the time of making payment for certain lands sold at the land office in Courtland; an act to authorise the sheriff of Marion county, to perform certain duties therein named; an act for the benefit of David Woodruff; an act to amend the law in relation to tavern license; an act to repeal an act, passed January 17th, 1834, making so much of Byler's road, which passes through the county of Tuscaloosa, a county road, be and the same is hereby repealed; an act to restore Taylor Brown and Franklin Brown to rights of citizenship; and an act to better regulate the returns of the strength of the militia of the State of Alabama; in which they ask the concurrence of the Senate.

Engrossed bill from the House of Representatives entitled an act, to divorce Dorcas Clary from her husband John Clary was read a first time, and the rule requiring bills and joint resolutions to be read on three several days

being suspended, the bill was read a second time and referred to the committee on divorce and alimony.

Mr Moore presented the account of Allen Stokes; which was read and referred to the committee on accounts and claims.

Engrossed bill from the House of Representatives entitled an act to authorise Mary Gordon and Noflet Goodwin, guardians of Edward M. Portis, Benjamin P. Portis, Darius M. Portis and John W. Portis, to remove the personal estate of said minors from the county of Clarke to the county of Sumter, was read a first time; and the rule requiring bills and joint resolutions to be read on three several days being suspended, the bill was read a second time forthwith, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives entitled an act to incorporate the town of Gainesville, in Sumter county, was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being suspended, the bill was read a second and third times forthwith, and passed the Senate.

Engrossed bill from the House of Representatives, entitled an act for the benefit of Champion Easter, was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time, and ordered to a third reading on to-morrow.

Mr Walthall introduced a bill to be entitled an act, to revive and amend an act, entitled an act, to incorporate the trustees of Oak Grove Academy, of Perry county, approved January 12th, 1828; was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times, and passed the Senate.

Engrossed bill from the House of Representatives, to be entitled an act for the benefit of the people of the town of Carrollton, in the county of Pickens, was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times, and passed the Senate.

Engrossed bill from the House of Representatives, entitled an act to incorporate the cane brake legion of cavalry, at Macon, in the county of Marengo; was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed the Senate.

Engrossed bill from the House of Representatives, entitled an act to form a company of militia, with a less number of privates than forty, in the county of Franklín, was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed the Senate.

Engrossed bill from the House of Representatives, entitled an act to divide Sumter county into two regiments, was read a first time, and the rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time. Mr Irwin of H. moved to amend the bill, by striking out "65," where it occurs in the bill, and insert in lieu thereof, "76;" which was adopted. The rule being further suspended, the bill was read a third time, and passed the Senate.

Engrossed bill from the House of Representatives, entitled an act for the relief of certain persons therein named, was read a first time, and the rule being suspended, was read a second time, and referred to the committee on the judiciary.

Engrossed bill from the House of Representatives, entitled an act to divorce Sophronia Strange from her husband John J. Strange was read a first

time, and the rule being suspended, was read a second time and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives, entitled an act to divorce Patsey Sillman from her husband Fielding Sillman, was read a first time, rule suspended, read a second time, and referred to the committee on divorce and alimony.

Engrossed bill from the House of Representatives, entitled an act to incorporate the town of Livingston, the county site of Sumter county, was read a first time, rule suspended, read a second and third times, and passed.

Engrossed bill, entitled an act to abolish and establish election precincts as therein named, was read a third time and passed.

Engrossed bill from the House of Representatives, entitled an act authorising the citizens of the town of Fayetteville to work on the streets of said town, was read a first time, rule suspended, was read a second and third times, and passed.

Engrossed bill from the House of Representatives, entitled an act to authorise Thomas A. Smith and his associates, to erect a wharf on the Black Warrior river, opposite the town of Tuscaloosa, was read a first time, rule suspended, was read a second time and ordered to a third reading.

A bill for the relief of Eloisa Beasley, was read a second time, rule suspended, read a third time and passed.

The bill from the House of Representatives, to be entitled an act to authorise Pleasant May, Senr. to erect a toll bridge across Prairie creek, near its mouth, and for other purposes, was read a first time, and the constitutional rule, requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives, to be entitled an act, supplemental to an act, to incorporate the Cahawba river bridge company, was read a first time, and the constitutional rule requiring bills and joint resolutions, to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives, to be entitled an act, to amend an act, incorporating the town of Huntsville, passed January 9th, 1828, was read, and the constitutional rule, requiring bills and joint resolutions, to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives, to be entitled an act relative to the collection and payment of taxes in the county of Baldwin, was read a first time. Mr Wilkinson moved that the further consideration of said bill be indefinitely postponed; which was carried.

The bill from the House of Representatives, to be entitled an act, for the relief of the city troop of horse, commanded by captain William Crothers, in the city of Mobile, was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, was read a second time forthwith, and ordered to a third reading on tomorrow.

The bill from the House of Representatives to be entitled an act, to provide for the payment of jurors in the county of Pike, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives, to be entitled an act, to revive and amend an act, entitled an act, to incorporate the trustees of Green-

ville Academy in Butler county, approved December 8th, 1826, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The engrossed bill from the House of Representatives, to incorporate the Milleville Light Horse company, in the county of Butler, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives to repeal an act, passed January 17th, 1834, making so much of Byler's road, which passes through the county of Tuscaloosa, a county road, was read a first time, and laid on the table.

The bill from the House of Representatives, for the benefit of David Woodruff, was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith, and referred to the committee on accounts and claims.

The bill from the House of Representatives, to authorise the sheriff of Marion county to perform certain duties therein named, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times, and passed.

The bill from the House of Representatives, to restore Taylor Brown and Franklin Brown to the rights of citizenship, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives, for the support of paupers in the county of Morgan, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days, was read a second time forthwith, and referred to a special committee, consisting of Messrs Chapman, Johnson and Wallace.

The bill from the House of Representatives, to incorporate the Talladega Male Academy, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives, to authorise the judge of the county court and commissioners of roads and revenue of Bibb county, to levy a special tax, was read a third time and passed.

The bill from the House of Representatives, for the relief of James Lenoir, executor of George W. Pitts, deceased, was read a third time and passed.

The bill from the House of Representatives, to repeal an act therein named, was read a second time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a third time forthwith and passed.

The bill from the House of Representatives, to divorce James Munnerlyn from his wife Mary Munnerlyn, was read a third time, and passed by the constitutional majority.

The bill from the House of Representatives, to divorce James D. Bradley from his wife Henrietta Bradley, was read a third time and passed by the constitutional majority.

The bill from the House of Representatives, to divorce Edward Newsom from his wife Matilda Newsom, was read a third time and passed by a constitutional majority.



The bill from the House of Representatives, to prevent the passing of droves of neat cattle through the counties of Benton, Jackson and Blount, between the first of May and October of each and every year, except under certain restrictions, was read a third time and passed. On motion of Mr Ashe, the title of said bill was amended, by striking out "the counties of Benton, Blount and Jackson," and inserting "certain counties."

The bill from the House of Representatives, reducing the number of jurors to be drawn and summoned in future, to attend the circuit court in the county of Marengo, and for other purposes, was read a second time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a third time and passed.

The bill from the House of Representatives, permanently locating the seat of justice in Coosa county, and for other purposes, was read a third time and passed.

The bill from the House of Representatives, to authorise Holloway Power to turnpike a road therein named; was read a second time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a third time. Mr Chapman moved to amend the bill, by an engrossed rider, to come in at the end of the fourth section, in these words, "provided, no citizen residing within five miles of said road, shall be compelled to pay toll for passing through said gate;" which was read three several times, and the bill as amended, passed.

The bill to incorporate the Carrollton Academy in Pickens county, was read a second time, and ordered to a second reading on to-morrow.

The bill for the relief of Paddy Carr and Thomas Carr, was read a second time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a third time forthwith and passed. Yeas 18, nays 3.

Those who voted in the affirmative, are messrs President Ashe Barclay Bibb Boyd Brodnax Brown Burke Irwin of H. Johnson Keener McVay Moore Phillips Scott Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Bibb Hemphill and Larkins.

The bill from the House of Representatives, for the speedy trial of certain suits in the circuit court of Dallas county, was read a third time and passed.

The bill from the House of Representatives defining the time of making payment for certain lands, sold at the land office at Courtland, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives, to authorise Jacob Whetstone, John A. Whetstone and Lewis G. Robinson, to establish a lumber yard and raft landing at the town of Coosawda, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith and passed.

*Wednesday, January 7.*—A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have adopted the following resolutions: *Resolved*, the Senate concurring therein, that the two Houses do meet in the Representative Hall on to-morrow evening, January 8th, at half past 6 o'clock, P. M. for the purpose of electing a judge of the supreme court, to fill the vacancy, occasioned by the resignation of the Hon. Abner S. Lipcomb. *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall, at half past 3 o'clock this evening, for the purpose of electing a judge of the county court of Greene county. Mr Hogan moved to amend

the resolution, in relation to the election of a judge of the supreme court, by striking out "on to-morrow evening, January 8th, at half past 6 o'clock P. M." and inserting, "on Friday next at 12 o'clock," which was carried, and then both resolutions were concurred in.

A message from the House of Representatives by Mr. Frierson. Mr. President: the House of Representatives have passed bills of the following titles, which originated in the House of Representatives, viz: an act for the relief of Ausbern R. Coker; an act to amend the penal laws of this State; an act to incorporate the Mobile commercial Steam Boat Company; an act to amend the laws in relation to slander: they concur in the first amendment made by the Senate to the bill entitled an act for the relief of Gabriel Moore, and disagree to the second, which proposes to strike out "four" to insert "five." They concur in the amendments made by your Honorable body to the resolution, proposing to go into the election of Medical Board at Montgomery and Demopolis. They have rejected the bill from the Senate, entitled an act to repeal so much of the military law as authorises compensation to the Adjutant General of the State. They have also passed bills of the following titles, which originated in the Senate, viz: an act to repeal an act, for the improvement of a road therein named, approved the 13th of January, 1826, and for other purposes, and have amended the same as therein shewn; an act pointing out the mode of appointing inspectors of elections, and for other purposes: an act to repeal in part an act, to amend the several acts relating to the sixteenth sections, approved, January 10th, 1833; an act to amend an act to incorporate a company to build a toll bridge across the Coosa river at Wetumpka, approved January 17, 1834. They have indefinitely postponed an act entitled an act to repeal in part an act therein named and for other purposes: and passed a bill of the following title, viz: an act to amend an act, entitled an act to incorporate the Cahowba navigation company, approved January 10th, 1827, and an act supplemental thereto, approved, January 29th, 1829; an act for the government of company boat elections in Pickens county; an act to suspend the action of the commissioners of the town of Abbeville in Henry county; an act to change and alter a part of the State road within the county of Conecuh. In all of which they ask the concurrence of your honorable body.

Mr. Vining from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the town of Lafayette, in the county of Chambers; an act to incorporate the Centreville bridge company: an act to regulate the collection of University debts, which were accordingly signed by Mr. President.

The substitute proposed by the House of Representatives for the bill to be entitled an act, to authorize the taking of the stock reserved to the State by an act to increase the capital of the Mobile Bank, was referred to the committee on the State Bank.

Mr. Wilkinson from the committee on divorce and alimony to whom was referred the bill from the House of Representatives to divorce Caroline Barnes from her husband John Barnes, reported without amendment, and the bill was read a third time and passed. Yeas 22 and Nays 5.

Those who voted in the affirmative, are Messrs. President Ashe Arnold Barclay Borough Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Keener Larkins McVay Moore Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Bibb Hemphill Lane Nabors and Phillips.

Mr. Wilkinson from the same committee to whom was referred the bill from the House of Representatives to divorce Charlott Dillard from her

husband George Dillard, reported without amendment, and the bill was read a third time and passed by a constitutional majority—yeas 24, nays 4.

Those who voted in the affirmative, are Messrs President Arnold Barclay Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Keener Larkins McVay Moore Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Bibb Hemphill Lane and Nabors.

Mr Wilkinson from the committee on divorce and alimony, to whom was referred the bill to divorce Barbary Lightfoot from her husband Bartholomew Lightfoot, reported without amendment, and the bill was read a third time and passed by the constitutional majority.

Mr Moore from the committee on the judiciary, to whom was referred joint resolutions, explanatory of an act, approved November 17th, 1832, for the relief of Archibald P. Howe and William C. Wilson, reported the same as amended; which was concurred in, and the resolutions read a third time and passed.

Mr Moore from the special committee to whom was referred the bill from the House of Representatives to be entitled an act to incorporate a company to build a toll bridge and causeway across the Sipsey river and swamp, in the direction to Columbus from Tuscaloosa, reported the same as amended, and the bill was read a third time and passed.

Mr Erwin of G. introduced a bill to be entitled an act, authorising the publication of the Supreme Court decisions; which was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times and passed—yeas 26, nays 1.

Those who voted in the affirmative, are Messrs President Ashe Barclay Bibb Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Phillips Scott Vining Wallace Walthall and Wilkinson.

Mr Nabors voted in the negative.

Mr Wilkinson from the special committee to whom was referred the bill entitled an act the better to secure the rights of *Femes Covert*, reported an amendment, by inserting after the word “devise,” in the second section, the words, “and which shall or may be taken, levied on, or sold, to pay the debts of the husband, contracted before marriage; which was concurred in, and the bill as amended, passed—yeas 19, nays 6.

Those who voted in the affirmative, are Messrs President Ashe Bibb Borough Boyd Brodnax Burke Chapman Erwin of G. Hogan Keener Lane Larkins McVay Moore Perkins Phillips Scott and Wilkinson.

Those who voted in the negative, are Messrs Brown Irwin of H. Johnson Nabors Vining and Walthall.

Mr Burke from the committee on accounts and claims, to whom was referred the bill from the House of Representatives for the relief of David Woodruff, reported an additional section, as an amendment thereto; which was concurred in. The bill was read a third time. Mr Burke moved to fill the blank in the last section of the bill as amended, with “four,” which was carried—yeas 18, nays 10.

Those who voted in the affirmative, are Messrs President Barclay Boyd Brodnax Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Lane Larkins Moore Perkins Phillips Scott Vining and Wallace.

Those who voted in the negative, are Messrs Ashe Arnold Bibb Borough Brown Johnson McVay Nabors, Walthall and Wilkinson.

The question was then put, shall this bill pass, and decided in the affirmative—yeas 22, nays 4.

Those who voted in the negative, are Messrs President Ashe Barclay Bibb Boyd Brodnax Burke Chapman Erwin of G. Hemphill Irwin of H. Keener Lane Larkins Moore Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Borough Brown McVay and Nabors  
A message from his Excellency the Governor by Mr Webster.

EXECUTIVE DEPARTMENT,  
Tuscaloosa, Jan. 6, 1835. }

I have to inform the General Assembly, that the honorable Abner S. Lipscomb has this day resigned his office, as Judge of the Supreme Court, and that the same is vacant.

The Judgeship of the County Court of Greene county has become vacant, by the resignation of Judge Pasture.

Signed,

JOHN GAYLE.

Mr Erwin of G. chairman of the committee on the judiciary, asked that the committee be discharged from the further consideration, of the bill to be entitled an act to authorise the registering of deeds which have not been registered within the time prescribed by law; which was granted, *Ordered*, that said bill be referred to a special committee consisting of Messrs Barclay Chapman and Wallace.

Mr Burke from the special committee to whom was referred the bill to be entitled an act, to increase the capital stock of the Branch of the Bank of the State of Alabama at Montgomery, reported an amendment, to come in at the end of the second section, in these words, to wit: "until the first day of January next, when the said two hundred thousand dollars, or the proceeds of bonds to that amount, authorised by this act, together with the sum of three hundred thousand dollars of the capital stock of the branch of the bank of the State of Alabama at Mobile, shall be removed and transferred to Daletown, Wilcox county, Claiborne, Monroe county, Demopolis, Marengo county, or Selma Dallas county, as may seem most expedient to the General Assembly; which sum shall compose the capital stock of a branch of the Bank of the State of Alabama, at said place so selected." Mr Walthall moved to amend the amendment, by inserting after "Selma, in Dallas county," "Marion," in Perry county, Mr. Irwin of H. moved to amend the amendment, to the amendment, by adding, "and the town of Franklin, in Henry county." Mr. Erwin of G. moved further to amend the amendment to the amendment, by adding, "or at any other city, town or village, of this State," which the legislature may think proper or expedient. Mr. Brown moved to lay the bill and amendments on the table, until this day week; which motion was superceded by a motion by Mr. Irwin of H. to lay the amendment on the table, without a day; which was carried. Mr Burke moved that the further consideration of the bill, be indefinitely postponed; which was carried—yeas 14, nays 13.

Those who voted in the affirmative, are Messrs President Ashe Borough Boyd Brown Burke Erwin of G. Lane McVay Moore Perkins Phillips Wallace and Walthall.

Those who voted in the negative, are messrs Arnold Barclay Bibb Brodnax Chapman Hogan Irwin of H. Keener Larkins Nabors Scott Vining and Wilkinson.

Mr President laid before the Senate, a report of the directors of the branch bank at Mobile adopted on the 6th December last; which was laid on the table.

Mr. Moore introduced a bill to be entitled an act, amendatory of an act entitled an act to preclude from office certain persons therein named, approved Jan. 12th, 1833; which was read a first time. Mr McVay moved that the further consideration of said bill be indefinitely postponed. Mr. Erwin of G. moved for the previous question; which was sustained, and then the main question being put, shall this bill be read a second time, and decided in the negative—yeas 8, nays 20.

Those who voted in the affirmative, are Messrs Ashe Barclay Borough Erwin of G. Hemphill Lane Moore and Wilkinson.

Those who voted in the negative, are Messrs President Ashe Robt Boyd Brodnax Brown Burke Chapin Hogan Irwin of H. Johnson Keener Larkins McVay Nabors Phillips Scott Vining Wallace and Walhall.

So the bill was rejected.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill from the House of Representatives to define and extend the remedies of securities in certain cases, reported that it is inexpedient to pass said bill; which was concurred in, and the bill consequently rejected.

Mr Phillips introduced a bill to repeal a certain law therein named; which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith and passed.

Mr Bibb presented the petition of sundry lawyers, praying the passage of an act, to authorise the publishing of the opinions of the Supreme Court in pamphlet form; which was referred to the committee on the judiciary.

Mr. Chapman introduced a bill to be entitled an act, to repeal in part and amend an act, entitled an act restricting officers from taking commissions on costs collected by them on executions, passed December 31st, 1832; which was read a first time and indefinitely postponed.

Mr Hogan made the following report.

The Joint Examining Committee, to which was referred certain resolutions of inquiry adopted by the Senate, and also by the House of Representatives in the following words, viz:

1. *Resolved*, That the President of the Bank of the State of Alabama, be requested to lay before the House a statement of the amount that each Director owes on notes, and also to state whether the Directors pay the same curtailments at the end of every ninety days, that is by the rules of the board required of others. Also, what amount has been discounted to each Director, on bills of exchange during the present year; and what amount is now running to maturity; when payable and by whom? And what amount will the board have to discount on notes between the first and fifteenth of January next, to the people at large? And what are the reasons that governed the board, in refusing to discount generally to the different counties, and whether there has been any resolution of the board on this subject, and if so, furnish a copy of said resolution, and the yeas and nays on the same.

The above resolution having been partially answered by the President of the Bank in his report of the 30th December, and not having satisfied the Senate, was referred to the committee on the State Bank, who reported and recommended a reference of the report to the joint examining committee, with instructions to procure the necessary information and report the same to the Senate. The joint examining committee have also had referred, a resolution from the House of Representatives, in the following words,

2. *Resolved*, That the joint examining committee, appointed to examine into the affairs of the Bank of the State of Alabama, be requested and such part of that committee, as appertains to this House, be instructed to make a thorough and scrutinizing examination into all the accounts of Directors and others with said Bank, and to report to this House thereupon, and in case any violation of the charter, or mismanagement of the concerns of said Bank, or fraud or imposition has been practiced by any individual, or by the board of Directors themselves.

And also another resolution in the following words.

3. *Resolved*, That the committee elected to examine into the condition of the State Bank, be instructed to ascertain and report to this House the amount of all accommodations realized by each Director during the term for which he was elected, in both the capacities of payer of notes and drawer of bills of exchange, together with the different periods at which these accommodations were received, and also the extent of the liability of each Director as endorser on notes and bills.

The same committee have had before them another resolution from the House of Representatives in the following words,

4. *Resolved*, That the examining joint committee on the State Bank, be instructed to inquire whether or not the State Bank, with the several branches are uniform in interest, exchanges exacted, and if not, devise means by which hereafter they may be so.

The committee have had the above resolutions before them and have attended strictly to the commands of the Senate and House of Representatives, and have the honor to REPORT,

That they have examined the amounts of the Directors on notes first, and then on bills of exchange, the statement herewith annexed and marked (A) will answer that part of the inquiry that is comprehended in the several calls for the amount realized by the Directors on bills of exchange and notes. In relation to that part of the call, whether the Directors pay the same curtailment on notes every ninety days that is required of others. The committee have understood that the Directors pay the interest every ninety days, on their note or notes; but no curtailment of five or fifteen per cent. as is required of others; although this would appear as a partial arrangement in favor of themselves, the committee does not see any violation of the charter, or any impropriety, when it is understood that the board receive no pay for the services of fifty two days in each year, and often on special calls of the board a much greater portion of their time is spent in the public service, without compensation and the amount of accommodation must rest alone on notes which never can exceed two thousand dollars in any one year. In reply to that part of the

call for the reasons that governed the board in withholding discounts to the distant counties, the committee is unable to add any other reasons than such as is contained in the report of the President in reply to so much of the resolution as requires information as to the amount that the board can discount on notes between the 1st and 15th instant. The committee believe the board can discount with perfect safety about one hundred thousand dollars; but it will be impossible to state what farther amount it will be in the power of the board to discount during this month.

The committee have in their examination found no violation of the charter except that of the proviso of the 49th section, which provides that "no individual shall at any time be indebted to the Bank as endorser on any draft or bill of exchange, for a larger amount than five thousand dollars." Although it seems to have been the practice to permit the same parties to become endorsers on bills of exchange to a much larger amount than is prohibited, yet in this violation, the committee do not believe the Bank has run any risk, or that this violation has proceeded from any other cause than inadvertence, and it is believed it would be better to leave this subject to the sound discretion of the board and recommend the repeal of the proviso of the 49th section in Aikin's digest. The committee report they have discovered no fraud, mismanagement or impositions practised by the board. In reply to so much of the third resolution as requires information as to the liability of each Director as endorser on notes and bills, the committee can state there is no liability, as the law prohibits those persons from endorsing at all on notes or bills. In answer to the 4th resolution, the committee refer to statement marked (B).

The committee beg leave further to state, that another resolution has been submitted in the following words, viz:

*Resolved*, That the joint committee on the State Bank be requested to inquire if the Directory has complied with the requisition of the last General Assembly, on the subject of an Oath against gambling.

The committee referred said resolution to the Cashier, whose answer is herewith annexed and marked (C.) Although statement marked (A.) exhibits large sums due and discounted on bills of exchange, yet the committee believe that it is not larger than the commerce of this place will justify, and when compared with the amounts discounted for other persons engaged in trade, is not unequal or unfair, and it will be seen that in one instance the amount running to maturity is \$10,000 on bills, and the same individual has to his credit the sum of thirty-eight thousand dollars, leaving a difference of only two thousand dollars, a very small sum indeed compared to the actual business of that Director.

The committee would further remark, that a large portion of the bills now running to maturity, has been drawn on New York, and is of that character, that is always desirable to procure and the funds procured on these bills have been used here in the purchase of the great staple of the country. All of which, is respectfully submitted.

JNO. B. HOGAN,  
Chairman on part of the Senate.  
JAMES JACKSON,  
Chairman on part of the House.

*Ordered*, that the report lie on the table, and 100 copies be printed for the use of the Senate.

Mr Vining from the committee on enrolled bills reported as correctly enrolled an act to establish an additional board of Physicians in the towns of Montgomery and Demopolis; an act to authorise the commanding officer of the 25th Regiment, to form a company beat of Militia with a less number of privates than forty, in the county of Henry; and for other purposes; an act relating to the estate of Geo. W. Cummings; an act for the relief of purchasers of lands sold at the land office in Courtland; an act to authorise the Judge of the county Court and commissioners of roads and revenue of the county of Jefferson, to sell a certain tract of land therein named, and for other purposes; an act to authorise George S. Massey & Co. to turnpike a certain road therein named; an act to regulate the sale of poisonous drugs; an act to amend the several acts, for the incorporation of the town of Cahawba; an act to repeal in part, and explain an act, to raise a revenue for the support of government, until otherwise altered by law, approved January 13th, 1827; an act for the relief of Sarah Briggs; an act supplemental to an act, to establish a turnpike road therein mentioned, approved January 7th, 1830; an act to establish a manufacturing company; an act to incorporate the Alabama Female Institute; an act to repeal in part, and amend an act to provide for the summoning of jurors in the county Court, approved January 10th, 1833; an act authorising the Judge of the County Court and commissioners of roads and revenue of the county of Morgan, to levy a special tax; an act to change the time of holding the county Courts of Morgan county; an act to change the time of holding the county Court for the county of Sumter; an act defining the corporate limits of the town of Sommerville, in Morgan county; and



an act to incorporate the town of Monticello, in the county of Pike: all of which were accordingly signed by Mr. President.

On motion of Mr Irwin of H. the bill to be entitled an act, concerning the taxing of cattle, was taken from the table and passed.

The bill from the House of Representatives in relation to tavern licence, was read, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith and passed.

The bill from the House of Representatives to better regulate the returns of the strength of the Militia of the State of Alabama was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time and referred to the committee on military affairs.

Mr Barclay moved the adoption of the following resolution, viz: *Resolved*, that no new business will be received in the Senate after to-day. *Ordered*, that said resolution be laid on the table.

And then the Senate adjourned until 3 o'clock this evening.

*Evening Session, 3 o'clock*—Mr Hogan from the committee on the State Bank, to whom was referred the amendment proposed by the House of Representatives to the bill entitled an act to authorise the taking of the stock reserved to the State, by the act to increase the capital of the Mobile Bank, reported without amendment: Mr Hogan moved to amend the amendment, by striking out the words, "and after the present year, the directors on the part of the State, shall be elected by joint vote of both Houses of the General Assembly; which was lost.—Yeas 10, nays 13.

Those who voted in the affirmative are Messrs President Ashe Barclay Bibb Borough Boyd Brodnax Brown Erwin of G. Hogan and Wallace.

Those who voted in the negative are Messrs Brodnax Burke Hemphill Irwin of H. Keener Lane Larkins McVay Moore Nabors Perkins Scott Wallace and Wilkinson.

Mr Erwin of G. moved to amend the amendment, by inserting after the word "Governor," the words "Comptroller and Treasurer or a majority of them;" which was lost. The amendment of the House of Representatives was then concurred in.—Yeas 19, nays 7.

Those who voted in the affirmative, are Messrs President Barclay Bibb Borough Boyd Brodnax Brown Burke Erwin of G. Hemphill Irwin of H. Keener Lane Larkins Phillips Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Hogan Johnson McVay Moore Nabors and Walthall.

A message from the House of Representatives by Mr Tunstall. Mr President: the House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now invited to assemble in the Hall of the House of Representatives for the purpose of going into the election of a Judge of the county Court of Greene county.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to the election. William B. Street alone being in nomination,

Those who voted for Mr Street are Messrs President Ashe Barclay Bibb Borough Boyd Brodnax Brown Burke Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Nabors Perkins Phillips Scott Wallace and Wilkinson of the Senate. Messrs Speaker Barron Bowin Burt Calhoun Cantley Carmack Clough Coffey Cottrell Curtis Davis Dent Dubose Evans Farrar Gayle Glascock Greer Henderson Hill Hollis Jones of J. Jones of T. King Lewis Loyd Massey May McAlpin McCarty McCord McHenry McLemore Miree Mundy Murphy Owen Patton Phelan Pratt Rains Rather Roberts Robertson Rodgers Sanders Scott Seabury Shields Shortridge Simmons Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House.

Mr Horton voted for Thomas Riddle.

William B. Street having received a majority of the whole number of votes, Mr Speaker declared him duly elected Judge of the county court of Greene county. The Senate then withdrew.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the joint resolutions, proposing to amend the constitution, in relation to the number of counties composing the judicial circuits, reported that it is inexpedient to pass said resolutions; which was concurred in.

Mr Erwin of G. from the committee on the judiciary, to whom was referred a bill for the relief of the State Printers, reported the same as amended, and the bill was read a third time and rejected. Yeas 14, nays 14.

Those who voted in the affirmative, are Messrs President Barclay Bibb Brodnax Burke Erwin of G. Hogan Irwin of H. Johnson Larkins Moore Phillips Vining and Wallace.

Those who voted in the negative, are Messrs Ashe Borough Boyd Brown Chapman Hemphill Keener Lane McVay Nabors Perkins Scott Walthall and Wilkinson.

The vote on the passage of the bill was reconsidered, and also the vote ordering said bill to a third reading, and then Mr Erwin of G. moved to to strike out the second section of said bill; which was carried and the bill read a third time and passed.

Mr Wallace offered the following resolution: *Resolved*, that the thanks of this body, be presented to Augustin Lynch, for the elegant Ivory Wallet, made by him and presented to the Senate, for the use of its presiding officer; and that the Secretary communicate to him a copy of this resolution; which was adopted.

On motion of Mr Erwin of G., the committee on the judiciary were discharged from the further consideration of the petition of Levi Robbins.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill from the House of Representatives, for the relief of certain persons therein named, reported the same to the Senate without amendment. Mr Erwin of G., moved to amend the bill, by adding a proviso to the end of the bill; which was carried, and the bill read a third time and passed.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill in relation to the duties of the judges of the county Courts and for other purposes, reported without amendment. Mr. Erwin of G. moved to amend the bill, by inserting a preamble before the beginning of the first section; which was carried, and the bill read a third time and passed.

Mr Erwin of G. presented the petition of Christina Colina; which was referred to a select committee consisting of Messrs Erwin of G. Brodnax and Moore.

Mr Wilkinson from the committee on divorce and alimony, to whom was referred the bill from the House of Representatives to divorce Dorcas Clary from her husband John Clary reported without amendment. The bill was read a third time and passed by a constitutional majority.

Mr Wilkinson from the same committee to whom was referred the bill from the House of Representatives to divorce Patsey Sillman from her husband Fielding Sillman reported without amendment, and the bill was read a third time and passed by the constitutional majority.

Mr Wilkinson from the same committee to whom was referred the bill from the House of Representatives, to divorce Sophronia Strange from her husband John J. Strange, reported without amendment, and the bill was read a third time and passed by the constitutional majority.

The Senate concur in the amendment of the House of Representatives, to the bill to prohibit the circulation of certain bills and notes therein mentioned, and for other purposes.

The Senate concur in the amendment of the House of Representatives, to the bill to repeal an act for the improvement of a road therein named, approved January 13th. 1826, and for other purposes.

The Senate recede from their disagreement to the amendment of the House of Representatives, to the bill to amend the charter of the Bank of the State of Alabama and the several branch banks thereof.

The bill to authorise the Governor to employ a private secretary, was read a third time and passed.

The bill from the House of Representatives, to extend the time for holding the circuit courts of Marengo and Pickens counties, and for other purposes, was read a second time, and referred to the committee on the judiciary.

The engrossed bill to incorporate the Carrollton Academy, in Pickens county, was read a third time and passed.

The bill from the House of Representatives, for the benefit of Champion Easter, was referred to a special committee, consisting of Messrs Lane, Chapman and McVay.

And then the Senate adjourned until half past six o'clock this evening.

*Night Session, half past 6 o'clock.*—Mr McVay moved to take from the table the bill from the House of Representatives, to incorporate the Florence and Waterloo rail road company; which was carried, and the bill read a third time and passed.

Mr Perkins moved to take from the table, the bill to repeal an act, passed January 17th, 1834, making so much of Byler's road, which passes through the county of Tuscaloosa, a county road; which was carried, and the bill read a second time. Mr Scott moved that the bill be laid on the table until the first of June next; which was carried.

Mr Lane moved to take from the table, the bill to change the mode of appointing school commissioners of the sixteenth sections; which was carried, and the bill read a third time and laid on the table.

Mr Johnson introduced a bill to divide the fourteenth regiment of Alabama militia in the county of Blount; which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being dispensed with, the bill was read a second and third times and passed.

Mr Lane moved to reconsider the vote, indefinitely postponing the bill to increase the capital stock of the Branch of the Bank of the State of Alabama at Montgomery; which was carried. *Ordered*, that the bill be laid on the table.

The bill from the House of Representatives, to authorise the Governor to employ an engineer, was read a first time and the constitutional rule which requires bills and joint resolutions to be read on three several days being suspended, was read a second time and referred to a special committee consisting of Messrs Ashe, Chapman and Hogan.

The bill from the House of Representatives, for the government of company beat elections in Pickens county, was read a second time and ordered to a third reading on to-morrow.

The bill from the House of Representatives to authorise Thomas A. Smith and his associates, to erect a wharf on the Black Warrior river, opposite the town of Tuscaloosa, was read a third time and passed.

The bill for the relief of the city troop of horse, commanded by captain Crothers of the city of Mobile, was read a third time and passed.

The bill from the House of Representatives, to change the times of holding the circuit courts of the second judicial circuit, was read a third time and passed.

The engrossed joint resolutions from the House of Representatives, instructing our Senators in Congress, upon certain resolutions of the last session of Congress, with regard to the Executive, was referred to a select committee, consisting of Messrs Wilkinson, Hogan and Burke.

The bill from the House of Representatives, to repeal in part an act, approved January 17th, 1834, to amend the road laws, was read a first time, and the constitutional rule which requires bills and joint resolutions to be read on three several days being dispensed with, was read a second time, and referred to a special committee consisting of Messrs Lane, Vining and McVay; which committee reported without amendment, the bill was read a third time and passed.

The bill from the House of Representatives was read a first time, constitutional rule being suspended, read a second and third times, and passed.

Engrossed joint memorial from the House of Representatives, was read a first time, rule suspended, read a second and third times and passed.

Engrossed joint resolution from the House of Representatives was read a first time, rule suspended, and read a second and third times and passed. Mr Wilkinson moved to amend the caption as follows, viz: asking the establishment of a pension agent at the seat of Government in Alabama; which was concurred in.

A bill to be entitled an act for the relief of Ausburn R. Coker, was read a first time, rule suspended, and read a second time. Mr Nabors moved that the bill be referred to the committee on accounts and claims; which was concurred in.

A bill to be entitled an act, to amend the laws in relation to slander, from the House of Representatives, was read a first time, rule suspended, read a second time, and referred to the judiciary committee.

Engrossed bill from the House of Representatives, to be entitled an act to amend the penal laws of this State, was read a first time, rule suspended, read second time, and referred to the judiciary committee.

Engrossed bill from the House of Representatives, to be entitled an act for the relief of Gabriel Moore. The Senate recede from their amendment to the bill, by striking out four and inserting five, where it occurs in the last word of the bill.

Engrossed bill from the House of Representatives to be entitled an act to change and alter a part of the State road within the county of Conecuh, was read first time, rule suspended, read second and third time and passed.

Engrossed bill from the House of Representatives to be entitled an act to suspend the action of the commissioners of the town of Abbeville in Henry county, was read first time, rule suspended, read second time, referred to special committee consisting of Messrs Phillips, Keener and Walthall.

Engrossed bill to repeal in part, and amend a certain act therein named, was read third time. Mr Lane moved the indefinite postponement of the bill; which was carried.

A bill to repeal the several acts regulating the practice of physicians, was read second time. Mr Wilkinson moved the indefinite postponement of the bill; which was carried.

Mr Chapman moved to take from table, a bill to incorporate the planters and merchants insurance company at Decatur; which was carried. The bill read third time and passed.

A bill to abolish the several militia laws now in force in this State, was read third time. Mr Wallace moved indefinite postponement of the bill; which was carried.

A bill in relation to the issuing of executions and for other purposes, was

read a second time. Mr Wallace moved indefinite postponement of bill; which was carried.

A bill more effectually to provide for compensating jailors for victualling runaway slaves, while confined in jail, was read second time. Mr Lane moved indefinite postponement of bill; which was carried.

A bill to amend the road laws in relation to ferries, was read second time, rule suspended, read third time and passed.

A bill to repeal in part an act now in force, confining the collection of debts before a justice of the peace, in the beat where the contract was made, or in the beat where the defendant resides, approved December the 31st, 1830, was read second time. Mr Boyd moved to lay the bill on the table; which was carried.

The joint resolutions, proposing an amendment to the constitution of the State of Alabama, so as to limit the sessions of the legislature to thirty six legislative days, was laid on the table until the first of June next.

The bill to be entitled an act to suppress duelling, was read a second time, and on motion of Mr Lane, indefinitely postponed.

The bill which originated in the Senate, to incorporate the Mobile and cedar point rail road company, was laid on the table.

The joint memorial from the House of Representatives, in relation to the public lands, was read a third and lost. Yeas 10, nays 12.

Those who voted in the affirmative, are messrs President Boyd Chapman Hemphill Johnson Lane McVay Wallace Walthall and Wilkinson.

Those who voted in the negative, are messrs Ashe Barclay Bibb Borough Brodnax Irwin of H. Keener Larkins Nabors Perkins Phillips and Scott.

And then the Senate adjourned until to-morrow morning 10 o'clock.

*Thursday, January 8th.*—The Senate met pursuant to adjournment.

A message from his Excellency the Governor, by Mr Webster: His excellency the Governor, has requested me to inform your honorable body, that he has approved and signed the following bills: an act to repeal in part, and explain an act, entitled an act to raise a revenue for the support of government, until otherwise altered by law, approved January 13th, 1827; an act for the relief of T. B. Bethea, and for other purposes; an act to incorporate the town of Lafayette in the county of Chambers; an act to revive, alter and amend an act, entitled an act, to incorporate the town of Demopolis, in Marengo county, passed December 15th, 1821; an act to permit Bryant Rushing to establish and keep a ferry therein named; an act to incorporate the Centreville bridge company; an act to incorporate the Mobile ice company; an act to repeal in part an act, passed the 20th day of January, 1829; an act making appropriations for the payment of certain claims against the State; an act for the relief of Sarah Briggs.

A message from the House of Representatives by Mr. Frierson. Mr. President: the House of Representatives have passed bills of the following titles, which originated in the House of Representatives, viz: an act to authorise Richard and Stephen Yarborough to erect a saw and grist mill on Suckeotchee river in Sumter county; an act to authorise the building a court house in the county of Madison; an act authorising the publication of the Supreme court decisions; an act for the payment of a certain sum of money therein named; an act to provide for the building a jail in the county of Franklin, and court house in the county of Madison; an act to raise a revenue for the support of government, until otherwise altered by law. They concur in the amendments made by your honorable body to the resolution, proposing to go into the election of a judge of the supreme court. They also concur in the amendments made to the bills of the following titles, viz: an act for the relief of Sarah Ward; an act to divide Sumter cotnty into

two regiments; an act to authorise James Hamilton and James H. Neal to open and turnpike a road therein named. They have passed bills of the following titles, which originated in the Senate, viz: an act for the relief of the heirs and legal representatives of John Byler, deceased; an act to amend an act, passed January 12th, 1833, entitled an act concerning attachments; an act for the relief of Eloisa Beasley; an act to revive and amend an act, entitled an act, to incorporate the trustees of the Oak Grove Academy of Perry county, approved 12th of January, 1828. They have indefinitely postponed the following bill, viz: an act for the relief of Thomas and Paddy Carr. In all of which they ask the concurrence of the Senate.

A message from the House of Representatives by Mr Ford. Mr President: the House of Representatives have passed a joint memorial, which originated in the Senate, to wit: joint memorial on the subject of the two per cent fund and for other purposes. They have also passed a bill of the following title, to wit: an act to raise a revenue in certain counties therein named, and for other purposes. In which they ask the concurrence of your honorable body.

Mr Barclay from the special committee to whom was referred a bill to be entitled an act to authorise the registering of deeds which have not been registered within the time prescribed by law, reported a substitute therefor; which was agreed to, and the bill read a third time and passed.

A message from the House of Representatives by Mr. Frierson. Mr. President: the House of Representatives have passed a joint memorial of the Senate and House of Representatives of the State of Alabama in general assembly convened, to the Congress of the United States; in which they ask the concurrence of your honorable body.

Mr Chapman from the special committee to whom was referred the bill from the House of Representatives to be entitled an act to authorise the Governor to employ an engineer for a certain purpose therein specified, reported without amendment. Mr Wilkinson moved to amend the bill, by adding thereto an additional section, to come in as section three; which was carried. Yeas 14, nays 12.

Those who voted in the affirmative, are Messrs Barclay Bibb Boyd Brown Burke Erwin of G. Hemphill Irwin of H. Keener Lane McVay Moore Scott and Wilkinson.

Those who voted in the negative, are Messrs President Ashe Arnold Brodnax Chapman Hogan Johnson Larkins Nabors Phillips Vining and Walthall.

Mr Lane moved further to amend the bill, by adding thereto a proviso in these words: "provided, that before said survey is made, a charter shall be granted to construct a rail road around said shoals;" which was lost. The bill was then read a third time and passed. Yeas 20, nays 5.

Those who voted in the affirmative, are messrs President Ashe Arnold Bibb Boyd Brodnax Brown Burke Chapman Erwin of G. Hogan Irwin of H. Johnson Larkins Nabors Phillips Scott Vining Walthall and Wilkinson.

Those who voted in the negative, are Messrs Hemphill Keener Lane McVay and Moore.

The bill from the House of Representatives, to raise a revenue for the support of government, until otherwise altered by law, was read a first time, the rule suspended, read a second time, and made the special order of the day for a committee of the whole, this evening at 3 o'clock.

The bill to increase the capital stock of the branch of the Bank of the State of Alabama at Montgomery was, on motion of Mr. Bibb, taken from the table, read a third time and passed. Yeas 17, nays 10.

Those who voted in the affirmative, are messrs Arnold Barclay Bibb Brodnax Chapman Hemphill Hogan Irwin of H. Johnson Keener Larkins Moore Morton Nabors Scott Vining Wallace and Wilkinson.

Those who voted in the negative, are messrs President Ashe Boyd Brown Burke Erwin of G. Lane McVay Phillips and Walthall.



Mr Lane from the special committee to whom was referred the bill from the House of Representatives for the benefit of Champion Easter, reported without amendment, and the bill was read a third time and passed.

A message from the House of Representatives by Mr Tunstall. Mr. President: the House of Representatives have adopted a preamble and resolutions, in the case of William G. Anderson, judge of the county court of Sumter county, which is herewith submitted for the concurrence of your honorable body. *Ordered*, by the Senate, that the said preamble and resolutions be made the special order of the day, for half past 6 o'clock this evening, and that Judge Anderson be permitted to appear before the Senate, in his defence by himself and counsel, and that he be notified of this order.

Mr Vining from the committee on enrolled bills reported as correctly enrolled, an act pointing out the mode of appointing inspectors of elections, and for other purposes; an act to revive an act, entitled an act, to incorporate the town of Pikeville, in the county of Marion, approved January 12th, 1827; an act to repeal in part an act, to amend the several acts relating to the sixteenth sections, approved January 10th, 1833; an act to amend an act, to incorporate a company to build a toll bridge across the Coosa river at Wetumpka, approved January 17th, 1834; an act to divide the 74th regiment of the militia of this State; an act requiring of the solicitor of the fourth judicial circuit of this State, to perform certain duties therein named; an act authorising the judge of the county court and commissioners of roads and revenue of the county of Dallas, to pay Thomas J. Frow, for certain services therein mentioned; all of which were accordingly signed by Mr. President.

Mr Nabors moved to reconsider the vote on the indefinite postponement of the bill to be entitled an act, in relation to the issuing of executions, and for other purposes; which was carried, and the bill read a second time, and ordered to be engrossed for a third reading.

Mr Lane moved to take from the table the bill from the House of Representatives, to change the mode of appointing school commissioners of the sixteenth section; which was carried. Mr Lane moved to amend the bill by an engrossed rider to come in at the end of the second section, after the words "above prescribed;" which was read three times and adopted. On motion of Mr Wallace, the bill was referred to a select committee, consisting of Messrs Wallace, Walthall and Lane.

The bill from the House of Representatives, to raise a revenue in certain counties therein named, and for other purposes, was read a first time, and the constitutional rule being suspended, was read a second time, and ordered to a third reading on to-morrow.

The bill from the House of Representatives for the payment of a certain sum of money therein named, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times forthwith and passed.

A message from the House of Representatives by Mr Tunstall. Mr. President: the House of Representatives have adopted the following resolution: *Resolved*, that the Senate be now informed that this House is now prepared to receive them in their Hall, with a view to the commemoration of the virtues of the deceased Lafayette, by an address and eulogy to be delivered by the honorable Mr. Rains. Whereupon, the Senate repaired to the Hall of the House of Representatives, were seated, and heard an eulogy upon the character of General Lafayette, by the honorable John Rains of Marengo county. The Eulogy having been delivered, the Senate withdrew to their own chamber, and proceeded to business.

A message from the House of Representatives by Mr Frierson. Mr President: the House of Representatives have adopted the following resolution: *Resolved*, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall, on Friday the 9th instant, at 3 o'clock, for the purpose of electing a president and twelve directors of the branch of the Bank of the State of Alabama at Huntsville; in which they ask the concurrence of the Senate. *Ordered*, that said resolution be laid on the table.

Mr Erwin of G. from the special committee to whom was referred the petition of Christiana Colina, reported a bill for the relief of certain persons therein named; which was read, and the constitutional rule requiring bills to be read on three several days being suspended, was read a second and third times and passed.

Mr Bibb moved to reconsider the vote on the rejection of the joint memorial in relation to the public lands, which was concurred in and the resolution passed.

A message from the House of Representatives by Mr Ford. Mr President: the House of Representatives have passed the bill which originated in your honorable body, entitled an act to abolish and establish election precincts therein named, and have amended the same by incorporating a bill which originated in the House of Representatives as an amendment thereto. In which they ask the concurrence of the Senate. Mr Keener moved to amend the amendment of the House of Representatives to the bill to abolish and establish election precincts as therein named, by striking out "at the house of William Hall's in Barbour county" and "at the house of Daniel Price's in the county of Russell;" which was carried. Mr Arnold moved further to amend the said amendment, by striking out "at the house of David Shelton's, at White plains in Benton county;" which was carried. Mr. Hogan moved further to amend the amendment, by striking out the name of James W. King, where it occurs in the bill. And then the amendment as amended was concurred in.

The bill from the House of Representatives to incorporate the Mobile commercial steam boat company, was read a first time, and the constitutional rule being suspended, was read a second time and referred to a special committee consisting of Messrs Johnson Hogan and Lane.

Mr Hogan offered the following resolution: *Resolved*, that the doorkeeper be authorised to illuminate the Senate chamber this evening, in commemoration of the glorious victory, obtained by the American army, on the 8th January 1815, below the city of New Orleans; which was adopted.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, viz: an act supplemental to an act, to incorporate the Cahawba river bridge company; an act to divorce James Munnerlyn from his wife Mary Munnerlyn; an act to divorce Edward Newsom from his wife Matilda Newsom; an act defining the time of making payment for certain lands sold at the land office at Courtland; an act to divorce James D. Bradley from his wife Henrietta Bradley; an act to authorise Jacob Whetstone, John A. Whetstone and Lewis G. Robinson to establish a lumber yard and raft landing at the town of Coosawda.

Mr Walthall moved to reconsider the order, making the bill from the House of Representatives, to raise a revenue for the support of government, until otherwise altered by law, the special order for 3 o'clock; which was carried. Mr Walthall moved to amend the second section of the bill, by striking out the words 'he or she may reside,' and inserting 'the land lies;' which was carried.—Yeas 18, nays 12.

Those who voted in the affirmative, are Messrs President Ashe Barclay Chapman Erwin of G. Johnson Larkins Moore Nabors Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Arnold Bibb Brodnax Brown Burke Hemphill Hogan Irwin of H. Keener Lane McVay and Phillips.

Mr Walthall moved further to amend the bill by striking out all after the words "shall" in the third line of the first section, to the word "provided" in the ninth line of the same section, and inserting in the lieu thereof, the words "be taxed according to the value thereof to be estimated by the person giving in the same, upon oath, or if such owner should fail or refuse to assess the value thereof, the assessor and collector of taxes shall assess the value from his own knowledge, or the best information he can obtain; which was rejected. Yeas 8, nays 18.

Those who voted in the affirmative, are Messrs Boyd Burke Chapman Erwin of G. Hemphill Lane Nabors and Walthall.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Brodnax Brown Hogan Irwin of H. Johnson Keener Larkins McVay Moore Phillips Vining Wallace and Wilkinson.

Mr Lane moved to strike out the word "four" after the words "third quality at" in the first section, and insert "three;" which was lost. Yeas 13, nays 13.

Those who voted in the affirmative, are Messrs Brodnax Burke Chapman Erwin of G. Hemphill Irwin of H. Johnson Keener Lane Larkins McVay Nabors and Wallace.

Those who voted in the negative, are Messrs President Ashe Arnold Barclay Bibb Boyd Brown Hogan Moore Phillips Vining Walthall and Wilkinson.

Mr Erwin of G. moved to strike out the word "sixteen," after the words "shall be rated at" in the first section, and insert "twenty."

And then the Senate adjourned until half past six o'clock this evening.

*Night Session, half past six o'clock.*—The Senate met pursuant to adjournment, Mr Moore in the chair.

The bill from the House of Representatives to be entitled an act to authorise Richard and Stephen Yarborough, to erect a saw and grist mill on the Suckanotchee river in Sumter county, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second time forthwith. Mr President, (Mr Lyon) moved to amend the bill by adding thereto an additional section; which was carried, and the rule being further suspended, the bill as amended, was read a third time and passed.

The preamble and resolutions from the House of Representatives in relation to William G. Anderson, judge of the county court of Sumter county, were laid on the table until to-morrow ten o'clock.

Mr Erwin of G. moved to reconsider the passage of the bill for the relief of certain persons therein named; which was carried and the bill laid on the table.

Mr Erwin of G. introduced a bill for the relief of Christino Colino, which was read a first time, and the constitutional rule suspended, and the bill read a second and third times and passed.

Mr Bibb introduced the following resolution: *Resolved*, that the prosecutor in the trial of Judge Anderson, be permitted either by himself or counsel, to open and conclude the argument of the cause; which was adopted.

The Senate resumed the consideration of the bill, to raise a revenue for the support of government, until otherwise altered by law. The question recurred on the motion of Mr Erwin of G. to strike out the word "sixteen" and insert twenty. A division of the question having been demanded, the first question put, was, shall the word "sixteen" be stricken out; which was decided in the affirmative. Yeas 11, nays 9.

Those who voted in the affirmative are Messrs Ashe Boyd Chapman Erwin of G. Irwin of H. Johnson Keener Larkins Moore Nabors and Wallace.

Those who voted in the negative are Messrs Président Arnold Hogan McVay Phillips Vining Walthall and Wilkinson.

Mr Chapman moved to fill the blank occasioned by striking out 'sixteen,' with the word 'thirty five;' which was lost. Mr Johnson moved to fill said blank with 'twenty;' which was carried. Yeas 14, nays 7.

Those who voted in the affirmative, are Messrs. President Boyd Burke Chapman Erwin of G. Irwin of H. Johnson Keener Lane Larkins Moore Nabors and Wallace.

Those who voted in the negative, are Messrs Arnold Bibb McVay Phillips Vining Walthall and Wilkinson.

On motion of Mr Lane the second section of the bill was stricken out, and the blank occasioned thereby, filled by a substitute. Mr Wallace moved to strike out the words "one hundred and fifty dollars," in the third section, after the words "billiard table kept for play;" which was carried. Mr Walthall moved to strike out of the bill, every thing that relates to billiard tables; which was carried. Mr Lane moved to amend the first section of the bill by striking out the word "ten" after the words "second quality at" and inserting "twelve;" which was lost. Mr Erwin of G. moved to strike out the word "seven" in the first line of the third section, and insert "five;" which was carried. Mr Walthall moved to strike out the word "ten" in the fourth line of the third section; which was lost. Yeas 7, nays 15.

Those who voted in the affirmative, are Messrs Ashe Arnold Bibb Erwin of G. Johnson McVay and Walthall.

Those who voted in the negative, are Messrs President Boyd Burke Chapman Hogan Irwin of H. Keener Lane Larkins Moore Nabors Phillips Vining Wallace and Wilkinson.

Mr Johnson moved to strike out the word 'sold' in the third section and insert 'prime cost;' which was lost. Mr Wallace moved to amend by an additional section, to come in as section six; which was carried. Mr Erwin of G. moved to amend the bill by an additional section, to come in as section seven. Mr. Hogan moved to amend the amendment, by adding "and the said amount shall be expended in clearing out creeks and water courses in said county," which was rejected. Mr. Keener moved to amend the amendment of Mr Erwin of G. by adding 'provided nothing in this act shall take effect in any county in this State, that does not according to the last assessment of taxes, afford a sufficiency of revenue, to pay her representation;' and then the further consideration of the bill was suspended until to-morrow.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit: joint resolutions upon the subject of the importance of graduating the price of the public lands; an act to amend an act, entitled an act, to incorporate the Cahawba navigation company, approved Jan. 10th, 1827, and an act supplementary thereto, approved Jan. 29th, 1829; an act to compensate Argyle Campbell, for prosecuting slaves in the county of Lawrence; an act to change the name of Louisa Blankenship, and for other purposes; an act for the relief of Thomas Ellison; an act authorising the summoning additional jurors in the county of Wilcox; an act to repeal in part, an act, entitled an act, amendatory to the several acts concerning witnesses, approved January 3d, 1832.

The bill from the House of Representatives, to provide for the building of a jail in Franklin county, and court house in the county of Madison, was read the first time, and the constitutional rule being dispensed with, was read a second and third times, amended and passed.

The bill from the House of Representatives for the government of com-

pany beat elections in Pickens county, was read a third time and passed.

Mr Erwin of G. moved to take from the orders, the bill in relation to suits against carriers by water, which was carried, and the bill read a second time. Mr Hogan moved to refer the bill to a special committee, which was lost.—Yeas 10, nays 11.

Those who voted in the affirmative, are Messrs President Ashe Arnold Bibb Chapman Hogan Irwin of H. Larkins Vining and Wallace.

Those who voted in the negative, are Messrs Boyd Burke Erwin of G. Johnson Keener McVay Moore Nabors Phillips Walthall and Wilkinson.

The bill was then laid on the table until to-morrow.

The bill to fix the salaries of the judges of supreme and circuit courts, who may be hereafter elected, and for other purposes, was laid on the table until to-morrow.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, the following bills, viz: an act for the relief of Elisia Beasley; an act authorising the publication of the supreme court decisions; an act to incorporate the Mobile and Cedar Point rail road company; an act to form a company of militia, with a less number of privates than forty, in the county of Franklin; an act authorising the citizens of the town of Fayetteville, to work on the streets of said town; an act to authorise Mary Gordon and Noflet Goodwin, guardians of Edward M. Portis, Benjamin P. Portis, Dorcas M. Portis and John W. Portis, to remove the personal estate of said minors, from the county of Clarke to the county of Sumpter; an act to divorce Dorcas E. Clary, from her husband John Clary; an act for the support of paupers, in the county of Morgan; an act to amend an act, incorporating the town of Huntsville, passed January 9th, 1828; an act reducing the number of jurors to be drawn and summoned in future, to attend the circuit courts in the county of Morgan, and for other purposes; an act permanently locating the seat of justice in Coosa county, and for other purposes, an act to incorporate the Talladega male academy; an act to authorise the sheriff of Marion county, to perform certain duties therein named; an act to provide for the payment of jurors in the county of Pike; an act to restore Taylor Brown and Franklin Brown, to rights of citizenship, an act for the relief of Sarah Ward; an act to incorporate the Millville light horse company, in the county of Butler; an act to authorise Pleasant May, sen. to erect a toll bridge across Prairie creek, near its mouth, and for other purposes; an act providing a salary for the judge of the county court of Marengo, in lieu of the fees now prescribed by law, for his official services; an act to amend an act, entitled an act, to incorporate the Madison turnpike company; an act to establish a branch of the Bank of the State of Alabama, at Huntsville, in the county of Madison, and to increase the capital stock of the branch of the Bank of the State of Alabama, at Decatur.

The resolution from the House of Representatives, proposing to go into the election of a President and Directors of the branch of the Bank of the State of Alabama, at Huntsville, was taken up and concurred in.

*Friday, January 9.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Ford.—Mr President:—The House of Representatives have passed bills of the following titles, to wit: an act to amend an act, to amend the several laws in relation to the compensation of petit jurors, in the counties of Henry and Dale, approved January 13th, 1831; an act for the relief of the citizens of township four, range three, west, in the county of Limestone; an act to authorise George P. Wright, a free man of color, to keep a grist mill on the west side of Tombeckbee river; an act to incorporate the town of Jamestown; an act organising the seventy-sixth regiment of the militia of

the State of Alabama; an act in relation to writs of *ad quod damnum*; an act authorising the election of an assessor of taxes for Dallas county, and for other purposes therein mentioned, in which they ask the concurrence of your honorable body. They have also passed bills of the following titles, which originated in the Senate, to wit: an act to authorise the Governor to employ a private secretary; an act to divide the 14th regiment of Alabama militia, in the county of Blount; an act to authorise the registration of deeds, which have not been registered within the limited time prescribed by law; an act in relation to the duties of the judges of the county courts, and for other purposes. I am instructed by the House of Representatives to return to the Senate the bill entitled an act to authorise the issuance of executions in certain cases and for other purposes, for the purpose of having a blank filled in said bill.

A message from the Governor, by Mr Webster.

EXECUTIVE DEPARTMENT, }  
Tuscaloosa, January 9th, 1835. }

I have to inform the general assembly, that William G. Anderson, has this day resigned the office of judge of the county court of Sumter county.

(Signed)

JOHN GAYLE.

Mr President laid before the Senate the following letter from William G. Anderson, judge of the county court of Sumter county, which was read and ordered to be spread upon the Journal.

To the Honorable F. S. Lyon, President of the Senate.

DEAR SIR:—Through you, I make known to the honorable body over which you preside, that I have this day tendered to the Governor, my resignation of the office of judge of the county court of Sumter.

An ample apology for this unusual course, (I trust) will be found in the peculiar circumstances which have placed me before the Senate in the attitude in which I now stand. These, I propose briefly to detail: During the present session of the general assembly, a memorial was presented to the House of Representatives, by D. Y. Portis, in which I was charged with "corruption, venality, injustice and tyranny," in the discharge of my official duties, as judge of the county court of Sumter county. A number of specifications were made, most of which, if true, contained impeachable matter. Upon this memorial, a committee was raised, and I was served with a copy, and at the same time summoned forthwith to appear before said committee at the seat of government, to answer to the charges contained in said memorial. Pursuant to this summons, I appeared before the committee, and an investigation was had, by the examination of a number of witnesses on the part of the prosecution; and the few that I could gather in my hurry to meet the charges.

It might not be improper for me here to remark, that I took the advice of counsel, and was informed that the committee in their investigation, would be confined to the specifications laid in the memorial, or if any new specifications, varying the charges should be made, I would be duly notified of them, (no new specifications, however, were made) and that no other proceeding could be recommended by said committee upon said charges, than the preferring articles of impeachment, in the mode pointed out by the constitution. This rendered me less active in the procuring witnesses to be examined before said committee than I otherwise should have been, knowing that if an impeachment was recommended, I should have the benefit of common law trial before the Senate, where an opportunity would be offered me, to produce witnesses, and have them examined *vis a voce*. But in this just expectation, I was disappointed; for the committee instead of recommending articles of impeachment, which it was believed they would do, if they determined that any of the charges were sufficiently proved, gave a new aspect to the case, and changed the whole character of the proceeding, in recommending a removal by address, for certain causes shewn and set forth in their report. This placed me before the House of Representatives upon the testimony taken before the committee.

When I was called before that body, I endeavored to relieve myself from the unexpected and embarrassing situation, in which I had been placed, by the report of the committee, by asking a continuance of the prosecution, until I could have an opportunity of providing such exculpatory evidence as might be necessary, to shew my innocence of the charges alleged. This application was predicated upon a number of affidavits, from a portion of the witnesses, I was desirous to examine, and although I desired only two days for this purpose, a continuance was denied me, and with much difficulty, that body allowed the ex parte affidavits taken, to be read before the House.

Seeing, then, that I was compelled to rely, in my defence, upon the impartial testimony taken before the committee, I commenced my defence, but before my counsel had gone through with his argument, upon the second cause assigned, by the select committee for my removal, an extraordinary, and I might say, unprecedented call was made for the previous question. This call was responded to by a vote of the House, saying that the main question should then be put, notwithstanding a resolution had been adopted, admitting me within the bar of the House, to be heard by myself or counsel, and notwithstanding that clause of the constitution, which declares, that in proceeding by address, "the party shall be admitted to a hearing, in his own defence, before any vote for such address shall pass."



It is true, that upon a moment's reflection, the House seeing the difficulty into which they had thrown themselves, by denying me this great constitutional privilege, reconsidered the vote; but the fact that the question was called and sustained by the House, before the opening argument of my counsel was closed, shews that the members were not in a situation for calm and deliberate investigation, and that their minds were laboring under the influence of strong and excitable feelings. This course on the part of the House, was the more extraordinary, as there was an immense volume of testimony, most of which was illegal, that had not been scrutinised or examined, which determined me in my own mind, that I would no longer hold the office, with which I had been clothed, whatever might be the action of the Senate, upon the causes assigned for my removal. Very respectfully,

W. G. ANDERSON.

Mr Hogan from the joint examining committee, to examine into the affairs of the bank of the State of Alabama, made the following report.

The joint examining committee appointed by each branch of the Legislature to examine into and report the state and condition of the Bank of the State of Alabama, have attended to the duties assigned them, and beg leave to report, that, in addition to the former duties of this committee, there have been added by recent acts of the Legislature, the duty of ascertaining the solvency of the debtors of the several Branch Banks, and the custom which has prevailed at the present session, of making calls through this committee for information, has left the committee no time to give the Bank that close and critical examination that would be necessary to establish beyond doubt, the correctness of each account in the books of this institution; your committee, however, have tested the correctness of statement marked (A) herewith annexed by an examination of the ledger, and the balances as footed to each account; to give this Bank a thorough and critical examination would require at least from one to two months of close application; consequently, it can never be expected of a committee of the Legislature during a session, unless the committee would abandon their duties in the House; as this cannot be expected, your committee must submit to the course heretofore pursued; although your committee is not satisfied with this kind of an examination, they are convinced it is the only one within our reach, and must suffice for the present. Statement marked (B) is an exhibit of bad and doubtful debts; this does not include the frauds of Mosley Baker, nor does it include many small sums now in suit, which have been pronounced by the respective representatives, as perfectly good; among this class of debts, the committee have been surprised to find large sums due for two or more years, by individuals of the first standing in the State, all able and capable of paying four times the amount; upon inquiry why those debts have not been paid, we are informed, that in some instances the executions had been given up by the sheriffs to the defendants, who return them to the Bank with an assurance that the parties would visit Tuscaloosa in a short time and pay off the debt, in other instances the sheriffs have returned the executions through the mail without endorsement, in a blank envelope.

The necessity of occasionally employing an agent to visit the several counties to collect from the sheriffs the monies in their hands, has been apparent and often practised on the board; in many instances the board have appointed agents with little or no qualifications, except honesty and industry; as the board have allowed those agents four dollars per day and their expenses, it is believed that a competent person, one acquainted with law and the forms of ruling sheriffs, could be procured for the sum heretofore allowed. The committee would recommend to the board, that whenever the number of executions would justify the expense, they should be sent by a special agent, and placed in the hands of the sheriffs, and if the money is not made in due time, then to enforce the law on the delinquent sheriff. By pursuing this course, it is believed, the outstanding debts would be greatly diminished.

Statement (C) is an exhibit of the amount of notes discounted in the Bank of the State and the several Branch Banks thereof. Statement (D) is an exhibit of the amount in suit, the county residence of the parties, and the Bank that the debt belongs to. Statement (E) is an exhibit of the blank paper on hand, which has been found to be correct by testing it with the circulation account. Statement (F) is an exhibit of the amount offered at the State Bank, and what has been done on notes and bills of exchange during the year 1834; and for a more concise view of the entire banking operation of the State Bank and its several Branches, we have annexed a statement marked (G.) In closing this report, the committee would beg leave to state that they have found the Cashier and other officers faithful, capable and industrious, and well worthy of public confidence; and in relation to the conduct of the board, we have found little to censure, but much to applaud, and we believe the Bank has been ably and faithfully managed. All of which is respectfully submitted.

[NOTE.] Mosley Baker's fraud amounted to \$21,797 12.

John B. Hogan, J. W. Lane and John M. Burke, Committee on the part of the Senate.

*James Jackson and B. F. Porter, Committee on the part of the House of Representatives.*

Which was laid on the table and 500 copies—ordered to be printed.

Mr Burke from the committee on accounts and claims, to whom was referred the bill from the House of Representatives for the relief of A. K. Coker, reported an additional section, as an amendment thereto; which was concurred in, and the bill as amended, read a third time and passed. The title of the bill was amended, by adding thereto the words "and others."

A message from the House of Representatives, by Mr. Frierson. Mr President—The House of Representatives have passed the following joint memorial, viz: a memorial of the general assembly of the State of Alabama to the Congress of the United States; in which they ask the concurrence of the Senate.

A message from the Governor, by Mr Webster. Mr President—I am requested by the Governor to inform your honorable body, that he has approved and signed the following bills, to wit: an act for the relief of Elosia Beasley; an act to authorise the publication of the supreme court decisions.

Mr Irwin of H. from the committee on military affairs, to whom was referred, the bill from the House of Representatives, to better regulate the returns of the strength of the militia of the State of Alabama, reported two additional sections as amendments thereto; which was concurred in, and the bill as amended, read a third time and passed.

Mr Perkins introduced a bill to change the time of holding the county court of Fayette county; which was read a first time, and the constitutional rule being suspended, was read a second and third times and passed.

Mr Lyon introduced the following resolution: *Resolved*, that with the concurrence of the House of Representatives, that the two Houses will assemble this day at 12 o'clock, for the purpose of electing a judge of the county court of the county of Sumter; which was adopted.

The bill from the House of Representatives, authorising the election of an assessor of taxes for Dallas county, and for other purposes therein mentioned, was read and the constitutional rule being suspended, was read a second and third times and passed,

The bill from the House of Representatives, to raise a revenue in certain counties therein named, and for other purposes, was read a third time. Mr Irwin of H. moved to amend the bill by an engrossed rider, containing two sections, numbered five and six; which was concurred in, and the bill as amended passed.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, an act authorising the citizens of Fayetteville to work on the streets of said town; an act to divorce James D. Bradley from his wife Henrietta Bradley; an act to authorise Jacob Whetstone, John A. Whetstone and Lewis G. Robinson, to establish a lumber yard and raft landing at the town of Coosada; an act defining the time of making payment for certain lands, sold at the land office at Courtland; an act to divorce Edward Newsom from his wife Matilda Newsom; an act to divorce James Munnerlyn from his wife Mary Munnerlyn; an act supplemental to an act to incorporate the Cahawba river bridge company; an act to authorise Mary Gordon and Moslet Goodwin, guardians of Edward M. Portis and Benjamin P. Portis, to remove the personal estate of said minors from the county of Clarke to the county of Sumter; an act incorporating the Mobile and Cedar Pont rail road company; an act to form a company of militia with a less number of privates than forty, in the county of Franklin; all of which were accordingly signed by Mr President.

The bill from the House of Representatives, in relation to writs of *ad quod damnum*, was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days being suspended, was read a second and third times and passed.

A message from the House of Representatives by Mr Ford—Mr President: The House of Representatives have amended the amendment made by your honorable body, to the bill to authorise the Governor to employ an engineer for certain purposes therein specified, by a proviso, which is herewith shewn. They concur in the resolution to go into the election of a judge of the county court of Sumter county at 12 o'clock to day.

The Senate concur in the amendment of the House of Representatives to their amendment to the bill from the House of Representatives, to authorise the Governor to employ an engineer for a certain purpose therein named.

The bill from the House of Representatives to organise the seventy sixth regiment of the Alabama militia, was read and the rule suspended, and the bill read a second and third times forthwith and passed.

The bill from the House of Representatives to incorporate the town of Jameston, was read a first time, and the rule being suspended, was read a second and third times forthwith and passed.

The blank in the bill to authorise the issuance of executions in certain cases, and for other purposes, was filled with 'ten.'

Mr Hogan, from the special committee to whom was referred, the bill from the House of Representatives to incorporate the Mobile steam boat commercial company, reported without amendment, and the bill was read a third time and passed.

A message from the House of Representatives by Mr Ford—Mr President: The House of Representatives concur in the amendments made by the Senate to the bill to authorise Richard and Stephen Yarborough, to erect a saw and grist mill on Suckanatchee river in Sumter county, and the amendments made by the Senate to a bill to be entitled an act to provide for the building a jail in the county of Franklin, and court house in the county of Madison, and have passed a bill which originated in the Senate, to be entitled an act to change the time of holding the county courts of Fayette county.

The bill from the House of Representatives authorising George P. Wright a free man of color, to keep a grist mill on the west side of the Tombeckbee river was read a first time, and the rule being suspended, was read a second and third times and passed.

Mr Erwin of G. introduced a bill to incorporate the Greensborough hotel company; which was read a first time, and the rule being suspended, was read a second and third times and passed.

Mr Moore introduced a bill to be entitled an act to authorise clerks to issue executions in certain cases; which was read a first, and the rule being suspended, was read a second time and referred to a special committee consisting of Messrs Erwin of G. Moore and Chapman.

The bill from the House of Representatives to be entitled an act for the benefit of the citizens of township four, range three, west, in the county of Limestone, was read and the rule being suspended, was read a second and third times and passed.

The Senate resumed the consideration of the bill to raise a revenue for the support of government, until otherwise altered by law. The amendment offered by Mr Keener to Mr Erwin's of G. amendment, was laid on the table. Mr Wilkinson moved to lay the amendment offered on yesterday, by Mr Erwin of G. on the table, which was lost.—Yeas 7, nays 15.

Those who voted in the affirmative, are Messrs President Perkins Phillips Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Ashe Barclay Boyd Brown Erwin of G. Hemphill Irwin of H. Johnson Lane Larkins McVay Moore Morton Nabors and Scott.

Mr Barclay moved to insert the word "white," before the word "pole," in Mr Erwin's of G. amendment, which was rejected. The question was then taken on the adoption of Mr Erwin's of G. amendment, and carried. Yeas 14, nays 12.

Those who voted in the affirmative, are Messrs Ashe Barclay Boyd Brown Chapman Erwin of G. Hemphill Irwin of H. Johnson Lane Larkins McVay Moore and Nabors.

Those who voted in the negative, are Messrs Bibb Brodnax Hogan Keener Morton Perkins Phillips Scott Vining Wallace Walthall and Wilkinson.

The bill was then read a third time and passed.

A message from the House of Representatives, by Mr Ford. Mr President—The House of Representatives have passed bills of the following titles, which originated in the Senate, viz: an act to change the times of holding the circuit courts of the second judicial circuit; and an act to create a sinking fund for the ultimate redemption of the State bonds, and have amended the same as therein shewn. They have adopted the following resolution. *Resolved*, That the Senate be now informed, that the House of Representatives are ready to receive them, for the purpose of going into the election of a judge of the supreme court, to fill the vacancy of the honorable Abner S. Lipscomb, resigned, and a judge of the county court of Sumter county, to fill the vacancy of the honorable William G. Anderson, resigned.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to the election of a judge of the Supreme Court. Henry Hitchcock and Henry W. Collier being in nomination.

Those who voted for Mr Hitchcock are, Messrs President Ashe Arnold Barclay Bibb Burke Chapman Hogan Johnson Larkins Moore Morton Perkins Vining and Wallace of the Senate. Messrs Speaker Armbrister Bagby Clark Colley Curtis Dubose Evans Farrar Fleming Gayle Gibleath Glascock Houston Jackson Johnson Jones of J. King Lewis Loyd Massey May McCarty McCord McLemore Murphy Owen Phelan Porter Rains Roberts Sanders Seabury Shields Sims Sossaman Stone Walker Wallis Womack and Young of J. of the House.

Those who voted for Mr Collier are Messrs Boyd Brodnax Brown Erwin of G. Hemphill Irwin of H. Keener Lane McVay Nabors Phillips Scott Walthall and Wilkinson of the Senate. Messrs Barron Bowin Burt Calhoun Cantley Carmack Clough Cottrell Davis Dent Frierson Greer Henderson Hill Hollis Horton Jones of T. Lane Lea McAlpin McHenry Miree Mundy Patton Pegues Pratt Rather Robertson Rodgers Sallee Scott Shortridge Simmons Sterrett Taylor Thompson Ward Warren Williams Wooldridge and Young of L. of the House.

The candidates having received an equal number of votes the two Houses proceeded again to the election.

Those who voted for Mr Hitchcock are, Messrs President Ashe Arnold Barclay Bibb Burke Chapman Hogan Johnson Larkins Moore Morton Perkins Vining and Wallace of the Senate. Messrs Speaker Armbrister Bagby Clark Colley Curtis Dubose Evans Farrar Fleming Gayle Gibleath Glascock Houston Jackson Johnson Jones of J. King Lewis Loyd Massey May McCarty McCord McLemore Murphy Owen Phelan Porter Rains Rather Roberts Sanders Seabury Shields Sims Snodgrass Sossaman Stone Walker Wallis Womack and Young of J. of the House.

Those who voted for Mr Collier are Messrs Boyd Brodnax Brown Erwin of G. Hemphill Irwin of H. Keener Lane McVay Nabors Phillips Scott Walthall and Wilkinson of the Senate. Messrs Barron Bowin Burt Calhoun Cantley Carmack Clough Cottrell Davis Dent Frierson Greer Henderson Hill Hollis Horton Jones of T. Lane Lea McAlpin McHenry Miree Mundy Patton Pegues Pratt Robertson Rodgers Sallee Scott Shortridge Simmons Sterrett Taylor Thompson Ward Warren Williams Wooldridge Wynn and Young of L. of the House.

Henry Hitchcock having received a majority of the whole number of votes given, Mr Speaker declared him duly elected a judge of the Supreme Court.

The two Houses then proceeded to the election of a judge of the county court of Sumter county. James M. Rushing and Peter Doty being in nomination.

Those who voted for Mr Rushing are Mr Nabors of the Senate. Messrs Armbrister Cantley Carmack Clough Curtis Evans Frierson Gayle Henderson Hill Hollis Horton Jones of T. King May McAlpin McCarty McCord McHenry McLemore Miree Owen Patton Phelan Robertson Rodgers Shields Shortridge Sims Simmons Snodgrass Sterrett Taylor Warren Wooldridge and Young of J. of the House.

Those who voted for Mr Doty are Messrs President Ashe Arnold Barclay Bibb Boyd Brodnax Brown Chapman Hemphill Hogan Irwin of H. Johnson Keener Lane Larkins McVay Moore Morton Phil-

Mrs Scott Vining Wallace Walthall and Wilkinson of the Senate. Messrs Speaker Barron Bown Burt Calhoun Clark Coffey Cottrell Davis Dent Dubose Farrar Fleming Gilbreath Glascock Greer Houston Jackson Johnson Lane Lea Loyd Massey Mundy Murphy Porter Pratt Rains Rather Roberts Sallee Sanders Scott Seabury Sossaman Stone Tate Thompson Walker Wallis Williams Womack Wynn and Young of L. of the House.

The elections being over, the Senate withdrew to their own chamber. Mr President resumed the chair, and then the Senate adjourned until half past two o'clock, this evening.

*Evening, Session, half past 2 o'clock.*—The Senate met pursuant to adjournment.

The Senate concurred in the amendments of the House of Representatives to the bill to create a sinking fund for the ultimate redemption of the State bonds.

The bill from the House of Representatives to amend an act, entitled an act, to amend the several laws in relation to the compensation of petit jurors in the counties of Henry and Dale, approved January 13th, 1831.

The memorial of the general assembly of the State of Alabama, to the Congress of the United States, was read a first time, and laid on the table.

A message from the House of Representatives by Mr Ford. Mr President—The House of Representatives have passed a bill to be entitled an act, to explain an act therein named, in which they ask the concurrence of your honorable body.

The bill from the House of Representatives, to explain an act therein named, was read a first time, and the constitutional rule being suspended, was read a second and third times and passed.

Mr Hogan offered the following resolution: *Resolved*, With the concurrence of the House of Representatives, the two Houses will convene in the House of Representatives, this evening at half past 6 o'clock, to go into the election of a President and twelve directors of the bank of the State of Alabama; which was adopted.

*Ordered*, That the preamble and resolutions from the House of Representatives, in relation to the honorable William G. Anderson, judge of the county court of Sumter county, be laid on the table.

A message from the House of Representatives, by Mr Ford. Mr President: The House of Representatives have adopted the following resolution: *Resolved*, That the Senate be informed that this House is now ready to receive them, to go into the election of a President and directors of the bank of the State of Alabama; and also of the branch of the bank of the State of Alabama, at Huntsville.

The Senate having repaired to the Hall of the House of Representatives, the two Houses proceeded to the election of a President of Bank of the State of Alabama. James H. Dearing, Wm. G. Parish and John L. Tindall being in nomination.

Those who voted for Mr Dearing are Messrs President Ashe Barclay Bibb Brown Hogan M'Vay and Nabors of the Senate. Messrs Armbrister Carmack Coffey Farrar Frierson Gilbreath Glascock Jones of J. Massey May Patton Shortridge Snedgrass Sossaman Sterrett Stone and Young of L. of the House.

Those who voted for Mr Parish are, Messrs Boyd Burke Chapman Larkins Moore Perkins and Vining of the Senate. Messrs Cantly Curtis Dent Evans Fleming Gayle Hill Houston Jones of T. King Lane Loyd M'Henry M'Lemore Murphy Phelan Pratt Rather Sanders Shields Tate Taylor Thompson Walker Womack Wynn and Young of L. of the House.

Those who voted for Mr Tindall are, Messrs Arnold Brodnax Erwin of G. Hemphill Irwin of H. Keener Lane Phillips Scott Wallace Walthall and Wilkinson of the Senate. Messrs Speaker Barron Bown Burt Calhoun Clough Cottrell Davis Dubose Greer Henderson Horton Jackson Lea Lewis M'Alpin M'Carty M'Cord Miree Mundy Owen Pegues Porter Rains Roberts Robertson Rodgers Sallee Scott Seabury Sims Simmons Wallis Williams and Wooldridge of the House.



No one of the candidates having received a majority of the whole number of votes given, the two Houses proceeded again to the election.

Those who voted for Mr Dearing are, Messrs President Ashe Barclay Bibb and M'Vay of the Senate. Messrs Armbrister Carmack Clark Coffey Farrar Frierson Gilbreath Jones of J. May Patton Shortridge Snodgrass Sossoman Sterrett Womack and Young of L. of the House.

Those who voted for Mr Parish are, Messrs Boyd Burke Chapman Hogan Larkins Moore Nabors Perkins and Vining of the Senate. Messrs Cantly Curtis Dent Evans Gayle Glascock Hill Houston Jones of T. King Lane Loyd Massey M'Henry M'Lemore Murphy Phelan Pratt Rather Roberts Sanders Shields Tate Taylor Thompson Walker Wynn and Young of J. of the House.

Those who voted for Mr Tindall are, Messrs Arnold Borough Brodnax Brown Erwin of G. Hemphill Irwin of H. Keener Lane Morton Phillips Scott Wallace Walthall and Wilkinson of the Senate. Messrs Speaker Barron Bowin Buft Calhoun Clough Cottrell Davis Dubose Greer Henderson Hollis Horton Jackson Johnson Lea Lewis M'Alpin M'Carty M'Cord Miree Mandy Owen Pegues Porter Rains Robertson Rodgers Salice Scott Seabury Sims Simmons Stone Wallis Williams and Wooldridge of the House.

No one of the candidates having received a majority of the whole number of votes given, the two Houses proceeded again to the election.

Those who voted for Mr Dearing are, Mr Ashe of the Senate. Messrs Coffey Frierson Gilbreath Jones of T. Lewis Shortridge Snodgrass Sossaman and Young of L. of the House.

Those who voted for Mr Parish are, Messrs Boyd Burke Chapman Hogan Larkins M'Vay Moore Nabors Perkins and Vining of the Senate. Messrs Armbrister Cantley Clark Curtis Dent Evans Gayle Glascock Hill Houston Jones of T. King Lane Loyd Massey May M'Henry M'Lemore Murphy Patton Pegues Pratt Rather Sanders Shields Tate Taylor Thompson Walker Wynn and Young of J. of the House.

Those who voted for Mr Tindall are, Messrs President Arnold Barclay Bibb Borough Brodnax Brown Erwin of Greene Hemphill Irwin of H. Lane Morton Phillips Scott Wallace Walthall and Wilkinson of the Senate. Messrs Speaker Barron Bowin Burt Calhoun Carmack Clough Cottrell Davis Dubose Greer Henderson Hollis Horton Jackson Johnson Lea M'Alpin M'Carty M'Cord Miree Mandy Owen Pegues Porter Rains Roberts Robertson Rodgers Salice Scott Seabury Sims Simmons Stone Wallis Williams Womack and Wooldridge of the House.

Mr Tindall having received a majority of the whole number of votes given, Mr Speaker declared him duly elected President of the Bank of the State of Alabama.

The two Houses then proceeded to the election of twelve Directors for the Bank of the State of Alabama at Tuscaloosa. H. M. Andrews, John Brown, (red,) Wm. P. Brown, Charles M. Conrow, John O. Cummins, Major Cook, James H. Dearing, John G. Davenport, Peter Donaldson, Samuel B. Ewing, Joel Gleason, G. H. Harrison, James Hogan, J. Lacy, Charles Lewin, Geo. L. Medlock, John Meek, Peter Martin, John Owen, Charles S. Pattison, A. Pfister, John D. Richards, John A. Smith, Z. B. Snow, Wm. Simonton, and A. H. White being in nomination.

Those who voted for Mr Andrews are, Messrs President Ashe Arnold Barclay Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Keener Lane M'Vay Moore Morton Perkins Phillips Vining Wallace and Wilkinson of the Senate. Messrs Speaker Barron Bowin Burt Clark Clough Coffey Cottrell Curtis Dent Dubose Evans Fleming Gayle Greer Henderson Horton Houston Jackson Jones of J. Jones of T. King Lea Loyd Massey May M'Alpin M'Carty Murphy Owen Patton Phelan Porter Pratt Rains Rather Roberts Robertson Sanders Scott Seabury Shortridge Snodgrass Sossaman Tate Taylor Thompson Walker Wallis Ward Warren Williams Wynn and Young of J. of the House.

Those who voted for Mr Brown (red) are, Messrs Barclay Brown Chapman Erwin of G. Johnson Keener Larkins and Nabors of the Senate. Messrs Armbrister Barron Carmack Clark Coffey Cottrell Farrar Gilbreath Glascock Greer Hollis Jackson Lane Lea Lewis Loyd Massey May M'Alpin M'Carty M'Cord M'Lemore Miree Murphy Patton Phelan Porter Pratt Rather Scott Sims Simmons Sossaman Walker Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Brown are, messrs Morton and Phillips of the Senate. Mr Young of L. of the House.

Those who voted for Mr Conrow are, messrs Ashe Borough Boyd Keener Perkins and Wallace of the Senate. Messrs Burt Carmack Cottrell Davis Dent Farrar Frierson Hollis Jones of T. Lane M'Alpin M'Cord Pratt Salice Scott Shortridge Sossaman Stone Taylor Walker Wallis and Wooldridge of the House.



Those who voted for Mr Cummings are, Messrs President Ashe Boyd Brodnax Burke Hemphill Lane Larkin Moore Morton Perkins and Vining of the Senate. Messrs Clark Clough Curtis Davis Dent Evans Frierson Gayle Houston Jackson Johnson Jones of T. King Massey Patton Pratt Rather Roberts Seabury Shortridge Taylor Wallis Womack Wooldridge and Wynn of the House.

Those who voted for Mr Cook are Messrs President Ashe Barclay Boyd Brown Burke Erwin of G. Hemphill Hogan Irwin of H. Lane Larkins McVay Moore Morton Nabors Perkins Wallace Walthall and Wilkinson of the Senate. Messrs Speaker Armbrister Barron Calhoun Cantley Clark Clough Cottrell Curtis Davis Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Glascock Henderson Hill Horton Houston Johnson Jones of T. King Lane Lea Massey McAlpin McCarty McHenry Mirce Porter Rains Roberts Sallee Sanders Shields Snodgrass Sterrett Stone Tate Taylor Ward Warren Wooldridge and Young of J. of the House.

Those who voted for Mr Dearing are, Messrs President Ashe Arnold Bibb Borough Brown Burke Hogan Irwin of H. Johnson Lane Larkins McVay Moore Nabors Perkins Phillips and Wilkinson of the Senate. Messrs Armbrister Barron Carmack Clarke Coffey Curtis Dubose Farrar Frierson Gilbreath Glascock Jones of J. Jones of T. Lewis Massey May McHenry McLeomore Murphy Patton Rains Roberts Rodgers Sanders Seabury Sims Snodgrass Sossaman Sterrett Stone Taylor Walker Young of J. and Young of L. of the House.

Those who voted for Mr Davenport are, Messrs Bibb Brodnax Burke Hemphill Irwin of H. Keener Lane Larkins Scott Wallace and Walthall of the Senate. Messrs Speaker Barron Bowin Burt Calhoun Clough Cottrell Curtis Greer Henderson Jackson Lea Lewis Mirce Phelan Porter Robertson Sallee Simmons and Williams of the House.

Those who voted for Mr Donaldson are, Messrs Barclay Brown Chapman Erwin of G. Hogan Irwin of H. Johnson Larkins McVay Moore Nabors Perkins Phillips Scott Vining and Wilkinson of the Senate. Messrs Armbrister Cantley Carmack Clark Clough Coffey Dent Dubose Evans Farrar Fleming Frierson Gayle Gilbreath Glascock Horton Jackson Jones of J. Jones of T. King Lewis May McAlpin McHenry McLeomore Phelan Rains Rather Robertson Rodgers Seabury Shields Shortridge Sims Snodgrass Sossaman Sterrett Taylor Walker Warren Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Ewing are, Messrs President Ashe Barclay Boyd Brodnax Brown Burke Chapman Hemphill Hogan Irwin of H. Keener Lane McVay Morton Nabors Perkins Phillips Scott Vining Wallace and Walthall of the Senate. Messrs Speaker Armbrister Barron Bowin Burt Calhoun Cantley Clark Clough Cottrell Curtis Davis Dent Evans Fleming Gayle Gilbreath Glascock Greer Henderson Hill Horton Houston Jackson Johnson King Lea Massey May McAlpin McCord McHenry McLeomore Mirce Owen Phelan Porter Rains Rather Roberts Robertson Rodgers Sallee Sanders Scott Seabury Shields Shortridge Sims Simmons Snodgrass Sterrett Tate Thompson Walker Wallis Ward Williams Womack Wooldridge Wynn and Young of J. of the House.

Those who voted for Mr Gleason are, Messrs Bibb Hemphill Irwin of H. and Scott of the Senate. Messrs Bowin Burt Evans Greer Jones of J. Robertson Ward Warren and Williams of the House.

Those who voted for Mr Harrison are, Messrs Ashe Arnold Barclay Bibb Borough Brodnax Brown Burke Chapman Erwin of G. Hogan Johnson Larkins McVay Morton Nabors Scott and Wilkinson of the Senate. Messrs Armbrister Burt Calhoun Cantley Carmack Clough Coffey Dubose Farrar Fleming Gayle Gilbreath Glascock Henderson Hill Horton Houston Johnson Jones of J. King Lane Lewis Loyd Massey McCarty McLeomore Murphy Owen Patton Phelan Pratt Rather Roberts Rodgers Sallee Scott Seabury Sims Snodgrass Sossaman Stone Tate Thompson Walker Wallis Warren Womack Wooldridge Young of J. and Young of L. of the House.

Those who voted for Mr Hogan are, Messrs Bibb Borough Boyd Chapman Erwin of G. Hogan Keener Lane Larkins McVay Perkins Phillips Scott Vining and Walthall. Messrs Speaker Barron Calhoun Clark Clough Curtis Davis Dent Evans Frierson Gayle Gilbreath Greer Henderson Hill Hollis Horton Houston Jackson Johnson Jones of J. Jones of T. King Lane Massey May McAlpin McCord McHenry McLeomore Mirce Owen Patton Pratt Rather Sallee Sanders Scott Seabury Sims Simmons Tate Taylor Walker Wallis Ward Womack Wooldridge of the House.

Those who voted for Mr Lucy are, Messrs Arnold Barclay Borough Boyd Brown Burke Hemphill Irwin of H. Johnson Larkins Nabors Phillips Scott Vining Wallace Walthall and Wilkinson of the Senate. Messrs Barron Bowin Calhoun Cantley Carmack Coffey Davis Dent Farrar Frierson Gilbreath Glascock Henderson Hill Hollis Horton Jones of J. King Lea Lewis Loyd McCarty McCord McHenry McLeomore Mirce Murphy Owen Patton Porter Pratt Robertson Rodgers Sallee Shortridge Sims Sterrett Taylor Walker Ward Warren Womack Wooldridge and Young of L. of the House.

Those who voted for Mr Lewin, are Messrs President Ashe Arnold Barclay Bibb Borough Boyd Brodnax Brown Chapman Erwin of G. Hemphill Irwin of H. Johnson Keener McVay Moore Morton Nabors Perkins Phillips Scott Vining Wallace and Walthall of the Senate. Messrs Speaker Armbrister Barron Bowin Burt Clough Coffey Davis Dent Farrar Fleming Frierson Gayle Glascock Greer Henderson Hill Hollis Horton Houston Jackson Jones of J. Jones of T. King Lane Lea Lewis Loyd Massey May McAlpin McCord McHenry Mirce Murphy Owen Patton Phelan Porter Pratt Rains Rather Roberts Robertson Rodgers Sallee Sanders Scott Seabury Shields Shortridge Sims Simmons Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Ward Warren Williams Womack Wooldridge Wynn Young of J. and Young of L. of the House.

Those who voted for Mr McDlock, are Messrs President Ashe Arnold Barclay Bibb Brodnax Burke Chapman Erwin of G. Hemphill Hogan Irwin of H. Lane Larkins Moore Morton Nabors Phillips Scott Vining Wallace Walthall and Wilkinson of the Senate. Messrs Speaker Armbrister Barron Bowin Burt Cantley Carmack Clough Coffey Cottrell Curtis Davis Dubose Evans Farrar Fleming Frierson Gayle

Gilbreath Glascock Henderson Hill Horton Houston Jackson Lea Lewis Loyd Massey May McAlpin McCarty McCord McHenry McLemore Miree Owen Phelan Porter Rains Roberts Robertson Rodgers Sallee Sanders Scott Shields Shortridge Sims Simmons Snodgrass Sossaman Sterrett Tate Thompson Walker Warren Womack Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Meek, Messrs Bibb Brodnax Hogan and Wilkinson of the Senate. messrs Bowin Burt Calhoun Carmack Cottrell Dubose Greer Jackson Lane Miree Williams Wynn and Young of L. of the House.

Those who voted for Mr Martin, are President Ashe Arnold Barclay Bibb Borough Brown Chapman Erwin of G. Johnson McVay Moore Nabors Perkins Wallace and Hogan Wilkinson of the Senate. messrs Speaker Armbrister Bowin Calhoun Cantley Mack Clark Coffey Cottrell Curtis Davis Dubose Evans Farrar Fleming Frierson Cargayle Gilbreath Glascock Hill Hollis Horton Houston Jones of T. Lane Lewis Loyd Massey May McAlpin McCarty McCord McHenry McLemore Murphy Owen Patton Phelan Porter Rains Rodgers Sanders Scott Seabury Shields Shortridge Sims Snodgrass Sossaman Sterrett Stone Tate Taylor Thompson Walker Wallis Williams Womack Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Owen, are messrs President Ashe Arnold Bibb Boyd Brodnax Burke Chapman Erwin of G. Keener Lane McVay Moore Nabors Vining Walthall and Wilkinson of the Senate. Messrs Barron Burt Calhoun Cantley Clark Curtis Davis Dent Dubose Frierson Gayle Greer Henderson Hill Hollis Horton Houston Johnson King Lane Lea Loyd Massey May McAlpin McCord McHenry McLemore Miree Murphy Owen Porter Rather Robertson Sallee Sanders Scott Seabury Shields Shortridge Simmons Sossaman Sterrett Stone Taylor Thompson Wallis Ward Warren Wooldridge and Wynn of the House.

Those who voted for Mr Patterson, are messrs Arnold Bibb Borough Brodnax Burke Chapman Hemphill Hogan Irwin of H. Johnson Keener Larkins Phillips Scott Walthall and Wilkinson of the Senate. messrs Ambrister Barron Bowin Burt Calhoun Cantley Carmack Clough Coffey Cottrell Curtis Dubose Evans Farrar Fleming Greer Henderson Hill Hollis Horton Houston Johnson Jones of J. Lea Loyd McCarty McCord McLemore Miree Murphy Owen Phelan Porter Pratt Rains Rather Roberts Robertson Rodgers Sallee Seabury Shields Sims Simmons Snodgrass Sossaman Stone Tate Thompson Ward Warren Williams Womack and Wynn.

Those who voted for Mr Pfister, are messrs Calhoun Cottrell Curtis Lewis and Roberts of the House.

Those who voted for Mr Richards, are Messrs President Ashe Boyd Brodnax Irwin of H. Johnson Keener Lane Morton Perkins Phillips Scott Wallace and Walthall of the Senate. messrs Speaker Barron Burt Calhoun Cantley Clough Cottrell Davis Dent Fleming Greer Hollis Jackson Johnson Jones of T. Lea Lewis McAlpin Miree Phelan Pratt Rains Robertson Sallee Sanders Scott Shields Simmons Stone Tate Wallis Ward Williams Wooldridge and Wynn of the House.

Those who voted for Mr Smith are messrs Barclay Bibb Brown Chapman Johnson Keener Lane Larkins McVay Moore Morton Nabors Phillips Scott Wallace Walthall and Wilkinson of the Senate. messrs Speaker Cantley Carmack Clark Dent Dubose Fleming Glascock Johnson King Lane Loyd McCarty McCord McHenry McLemore Murphy Owen Patton Phelan Rains Rather Rodgers Sanders Scott Shields Shortridge Simmons Sterrett Tate Wynn and Young of L. of the House.

Those who voted Mr Snow, are messrs Arnold Barclay Borough Boyd Brodnax Brown Burke Chapman Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins McVay Moore Perkins Vining and Wallace of the Senate. Messrs Bowin Cantley Clark Curtis Davis Fleming Gilbreath Greer Henderson Hill Hellis Houston Jackson Johnson Jones of J. Jones of T. Lane Lea Lewis Loyd Massey McAlpin McCarty McCord McHenry Murphy Owen Rains Rather Roberts Robertson Rodgers Sanders Seabury Shields Simmons Snodgrass Sossaman Sterrett Stone Thompson Wallis Ward Williams and Womack of the House.

Those who voted for Mr Simonton, are messrs Borough Erwin of G. Johnson Moore Morton Vinsng and Walthall of the Senate. messrs Speaker Armbrister Coffey Evans Gayle Hill Hollis Jackson Jones of J. McCarty Patton Pratt Roberts Shields Snodgrass Stone Taylor Thompson Wooldridge and Young of J. of the House.

Those who voted for Mr White, are messrs Arnold Borough Erwin of G. and Vining of the Senate. messrs Speaker Armbrister Bowin Carmack Coffey Dent Dubose Farrar Frierson Gilbreath Glascock Hill Hollis Jones of J. Jones of T. King Lane Loyd May Murphy Pattan Pratt Rodgers Shortridge Sims Simmons Snodgrass Sterrett Stone Tate Taylor Thompson Wallis Warren Williams Womack Young of J. and Young of L. of the House.

Messrs Andrews, Cook, Ewing, Harrison, Hogan, Lacy, Lewon, Medlock, Martin, Owen, Pattison and Snow, having received the highest number of votes, Mr Speaker declared them duly elected directors of the Bank of the State of Alabama.

The two Houses then proceeded to the election of a president of the branch of the Bank of the State of Alabama, at Huntsville. Bartlet M. Lowe, alone being nomination.

Those who voted for Mr Lowe, are messrs President Ashe Barclay Bibb Boyd Brown Chapman Erwin of G. Hemphill Hogan Irwin of H. Johnson Keener Lane Lrrkins McVay Moore Perkins Phillips Vining Wallace and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Carmack Coffey Curtis Dent Evans Farrar Fleming Frierson Gayle Glascock Henderson Hill Horton Houston Jackson Jones of T. King Lane Lewis Massey May McAlpin McCarty McCord McHenry Patton Phelan Porter Rains Rather Roberts Robertson Rodgers Sanders Seabury Shields Snodgrass Sterrett Tate Taylor Thompson Walker Wallis Ward Warren Wooldridge Young of J. and Young of L. of the House.

Mr Shortridge of the House voted for Mr Brandon.

B. M. Lowe having received a majority of the whole number of votes given, Mr Speaker declared him duly elected president of the branch of the Bank of the State of Alabama at Huntsville.

The two Houses then proceeded to the election of twelve directors for the branch of the Bank of the State of Alabama at Huntsville. Thomas Brandon, James Bradley, Hugh Caperton, Richard Campbell, Daniel Coleman, James J. Donegan, Stephen S. Ewing, Alva Finlay, Thomas Fearn, Arthur F. Hopkins, Francis T. Martin, Benjamin Patterson, Edward W. Parker, John Read, Henry Stokes, and Preston Yeatman being in nomination.

Those who voted for Mr Brandon, are messrs President Ashe Boyd Brown Erwin of G. Hemphill Hogan Johnson Lane McVay Perkins Phillips Wallace and Wilkinson of the Senate. messrs Speaker Barron Bowin Carmack Coffey Dent Henderson Hill Horton Houston Jackson Lane May McCord Miree Owen Pratt Rather Sanders Seabury Seields Snodgrass Sossaman Thompson Wallis Womack and Young of L. of the House.

Those who voted for Mr Bradley, are messrs President Ashe Barclay Bibb Boyd Brown Chapman Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins McVay Moore Perkins Phillips Vining Wallace Walthall and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Calhoun Cantley Carmack Coffey Cottrell Davis Evans Farrar Fleming Frierson Glascock Henderson Hill Houston Jackson Jones of J. Jones of T. King Lane Lewis Massey McAlpin McCord McHenry Miree Murphy Owen Patton Phelan Pratt Rains Rather Rodgers Sanders Seabury Shields Snodgrass Sossaman Sterrett Tate Thompson Walker Wallis Warren Womack Young of J. and Young of L. of the House.

Those who voted for Mr Caperton, are messrs Barclay Bibb Hemphill Hogan Johnson Lane Larkins Moore Perkins Vining and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Calhoun Cantley Carmack Coffey Cottrell Davis Evans Farrar Fleming Frierson Glascock Henderson Hill Houston Jackson Jones of J. Jones of T. King Lane Lewis Massey May McAlpin McCord McHenry Miree Murpuy Owen Patton Phelan Pratt Rains Rodgers Seabury Snodgrass Sossaman Tate Thompson Walker Wallis Warren Womack Wynn and Young of J. of the House.

Those who voted for Mr Campbell are messrs Barclay Bibb Boyd Erwin of G. Hemphill Hogan Johnson Lane Larkins McVay Moore Perkins Vining and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Calhoun Cantley Carmack Coffey Cottrell Evans Farrar Fleming Frierson Glascock Henderson Hill Horton Jackson Jones of J. Jones of T. King Lane Lewis Massey May McAlpin McCord Miree Murphy Owen Patton Phelan Rains Rodgers Sanders Seabury Shields Snodgrass Sossaman Sterrett Tate Thompson Walker Wallis Warren Womack Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Coleman, are messrs President Boyd Brown Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins McVay Perkins Phillips Wallace Walthall and Wilkinson of the Senate. messrs Speaker Brrron Bowin Calhoun Cantley Carmack Coffey Cottrell Davis Dent Evans Henderson Horton Houston

Jackson Jones of T. Lane Lewis May McAlpin McCord McHenry Miree **Murphy** Owen Patton Phelan Pratt Rains Rather Rodgers Sanders Seabury Shields Snodgrass Sossaman Sterrett Tate Thompson Wallis Womack Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Donegan, are messrs President Ashe Barclay Bibb Boyd Brown Chapman Erwin of G. Hemphill Hogan Johnson Keener Larkins McVay Moore Perkins Vining Wallace Walthall and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Calhoun Cantley Carmack Coffey Cottrell Davis Evans Farrar Fleming Frierson Glascock Hill Houston Jackson Jones of J. Jones of T. King Lane Lewis Massey May McCord McHenry Miree **murphy** Patton Phelan Pratt Rains Rather Rodgers Sanders Seabury Shields Sossaman Sterrett Tate Thompson Walker Wallis Warren Womack and Young of J. of the House.

Those who voted for Mr Ewing, are messrs President Ashe Barclay Bibb Boyd Brown Chapman Erwin of G. Hogan Johnson Keener Larkins McVay Moore Perkins Phillips Vining Wallace and Walthall of the Senate. messrs Armbrister Barron Bowin Calhoun Cantley Carmack Cottrell Davis Evans Farrar Fleming Frierson Glascock Henderson Hill Horton Jackson Jones of J. Jones of T. King Lewis Massey May McAlpin McCord McHenry **Murphy** Owen Patton Phelan Pratt Rains Rather Rodgers Sanders Seabury Shields Sossaman Sterrett Tate Walker Warren Young of J. and Young of L. of the House.

Those who voted for Mr Finley, are messrs President Barclay Bibb Boyd Brown Chapman Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins Moore Phillips Vining Wallace and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Calhoun Cantley Carmack Coffey Cottrell Davis Evans Farrar Fleming Frierson Glascock Henderson Hill Horton Houston Jackson Jones of J. Jones of T. King Lane Lewis Massey May McAlpin McHenry Miree Owen Patton Phelan Rains Rather Rodges Seabury Shields Snodgrass Sossaman Sterrett Tate Thompson Walker Wallis Warren Womack Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Fearn, are messrs President Ashe Barclay Bibb Boyd Brown Chapman Erwin of G. Hemphill Hogan Johnson Keener Lane Larkins McVay Moore Perkins Phillips Vining Wallace Walthall and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Calhoun Cantley Carmack Coffey Cottrell Davis Evans Farrar Fleming Frierson Glascock Henderson Hill Horton Houston Jackson Jones of J. Jones of T. King Lane Lewis Massey May McCord McHenry Miree **Murphy** Patton Phelan Pratt Rains Rather Rodgers Sanders Seabury Shields Snodgrass Sossaman Sterrett Tate Thompson Walker Wallis Warren Womack Young of J. and Young of L. of the House.

Those who voted for Mr Hopkins, are messrs President Ashe Barclay Bibb Boyd Brown Chapman Erwin of G. Hemphill Johnson Keener Lane Larkins McVay Moore Perkins Phillips Vining Wallace Walthall and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Calhoun Cantley Coffey Cottrell Davis Evans Farrar Fleming Frierson Glascock Henderson Hill Horton Houston Jackson Jones of J. Jones of T. King Lane Lewis Massey May McAlpin McCord McHenry Miree **Murphy** Owen Patton Pratt Rains Rather Rodgers Sanders Shields Snodgrass Sossaman Sterrett Tate Thompson Walker Wallis Warren Womack Young of J. and Young of L. of the House.

Those who voted for Mr Martin, are messrs President Ashe Barclay Bibb Brown Chapman Johnson Keener Larkins Moore Phillips Vining Wallace and Walthall of the Senate. messrs Armbrister Cantley Evans Farrar Fleming Frierson Glascock Jones of J. Jones of T. King Massey McAlpin Phelan Rains Sanders Snodgrass Walker and Young of L. of the House.

Those who voted for Mr Patterson, are messrs Ashe Barclay Bibb Boyd Brown Chapman Erwin of G. Hemphill Hogan Lane McVay Moore Perkins Phillips Vining Wallace Walthall and Wilkinson of the Senate. messrs Speaker Armbrister Barron Bowin Calhoun Cantley Carmack Coffey Cottrell Davis Farrrr Fleming Frierson Glascock Henderson Hill Horton Houston Jackson Jones of J. Jones of T. King Lane Lewis massey McAlpin McCord McHenry miree **murphy** Patton Phelan Pratt Rather Rodgers Sanders Seabury Shields Snodgrass Sossaman Sterrett Tate Thompson Walker Wallis Warren Womack Young of J. and Young of L. of the House.

Those who voted for Mr Parker, are messrs Ashe Barclay Bibb Boyd Brown Chapman Hemphill Hogan Keener Lane Larkins McVay Moore Perkins Vining Wallcce and Walthall of the Senate. messrs Armbrister Cantley Coffey Davis Evans Farrar Fleming Frierson Glascock Horton Houston Jones of J. Jones of T. King Lane Lewis massey May McAlpin McCord McHenry **Murphy** Owens Patton Phelan Pratt Rains Rather Rodgers Sanders Sossaman Sterrett Walker Warren Womack Young of J. and Young of L. of the House.

Those who voted Mr Read, are messrs President Chapman Erwin of G. Keener Lane McVay Phillips Walthall and Wilkinson of the Senate. messrs Speaker Barron Bowin Colhoun Cottrell Henderson Jackson Lane McHenry Miree Owen Rather Seabury Sterrett and Thompson of the House.

Those who voted for Mr Stokes, are messrs President Chapman Johnson Keener Lane McVay Phillips Walthall and Wilkinson of the Senate. messrs Speaker Calhoun Carmack Cottrell Davis Frierson Henderson Hill Horton Jackson Lane Lewis McAlpin McHenry Miree Murphy Owen Pratt Rather Seabury Shields Snodgrass Sterrett Tate Thompson Wallis Waaren Womack and Wynn of the House.

Those who voted for Mr Yeatman, are messrs President Ashe Barclay Bibb Boyd Brown Chapman Erwin of G. Hemphill Hogan Keener Larkins Moore Perkins Phillips Vining Wallace and Walthall. messrs Armbrister Calhoun Carmack Coffey Davis Evans Farrar Fleming Glascock Hill Horton Houston Jones of J. King Lane Massey May McAlpin McCord Murphy Owen Patton Pratt Rains Rodgers Sanders Shields Snodgrass Walker Wallis Warren Young of J. and Young of L. of the House.

Messrs Fearn, Bradley, Hopkins, Finlay, Patterson, Donegan, Ewing, Campbell Coleman, Caperton, Parker and Yeatman, having received a majority of the votes given, Mr. Speaker declared them duly elected directors of the Branch Bank of the State of Alabama at Huntsville.

*Saturday, January 10.*—The Senate met pursuant to adjournment.

Mr Erwin of G. made the following report, viz:

The undersigned, composing the minority of the committee on privileges and elections, to whom was referred the memorial of James Abercrombie, claiming and asserting a right to a seat in the Senate, differing with the majority of the committee, by whose direction a report has been prepared and presented to the Senate; and dissenting from the principles, arguments and conclusion in said report; respectfully ask leave to present the grounds of their difference and dissent, and the views they entertain of the novel and interesting subject submitted to their consideration.

The undersigned, having been freely chosen by the virtuous and patriotic people of their respective districts, to represent them in the Senate, and feeling no consciousness of being governed in the opinions they have formed and entertain of the right of the memorialist to a seat in the Senate, by party or "political partialities or prejudices;" they do not feel called upon to make any disclaimer of being influenced by considerations, which would be equally unworthy of themselves and the stations they occupy. It will be time enough to vindicate themselves, when their motives and conduct shall be assailed in such a way as will deserve to be noticed. They cannot hope to escape the petty and hackneyed aspersions of disappointed malignity; experience, and the angry and heated tone of political controversy, now prevailing, forbid them to do so. But if they cannot escape, they trust they have philosophy enough to disregard and despise all such imputations, come from what quarter they may, and too much self respect to permit themselves to be swerved in the discharge of their duty by any puerile apprehensions they might engender.

Seeing how vain and unstable are all human efforts, and making no pretension to intellectual superiority, it would be presumptuous in them to suppose they could place the conclusion "at which they have arrived," upon a basis so firm and solid as to forbid the assaults of all the arts which "sophistry" can invent, and all the force that "sound argument" can command, during what, they most fervently hope, will be the perpetual existence of our present wise and happy institutions, and the exalted principles by which they are sustained. Guided by the lights furnished by the constitution and the laws in the investigation which they have made, they have endeavored to satisfy their own minds; whether they will be equally as successful in satisfying the minds of others, is to them a matter of secondary importance.

The undersigned had not supposed that there were any, so ignorant or misled as to regard the question committed to their examination, as one of mere "policy or expediency" and to be settled by the loose dictates of discretion. They fully acknowledge the question to be one not only of "naked right," but of constitutional and legal right, to be determined by the principles which the laws and the constitution furnish, when applied to the facts of the case; and to the majority of the committee they cheerfully concede all the advantage which this just and correct view of the subject can possibly afford.

As no one in this country has been found so bold and reckless as to deny the necessity of sacredly regarding the provisions of the constitution, and the high and important rights which it confers, it must be considered as rather a useless and unnecessary task to prove and establish this necessity, either by argument or declamation. Men, who



have reaped and enjoyed the rich fruits of constitutional government, who have partaken of the liberty, equality, security and happiness which it affords to all who live under its shield and protection, need nothing else to convince or persuade them to appreciate its benefits, or venerate its character. The human heart is not more deeply imbedded in the bosom, than is the love, admiration and respect of every American for the government of his choice. None could deprecate, more than the undersigned, the happening of any event, that would have a tendency to diminish in the slightest degree, the high regard felt by the American people for the wise and beneficent institutions under which they live; and they will continue, as they have heretofore done, in relation to the question now before them, to exert themselves to prevent a catastrophe, that might be productive of such a deplorable consequence.

Passing from these general remarks and reflections, demanded and justified by the occasion, the undersigned will now direct their attention more particularly to the investigation of the merits of the subject submitted to their consideration—the importance of which they readily and frankly acknowledge.

The memorial of Mr Abercrombie asserts that he was *duly* elected a Senator for Montgomery county on the first Monday of August 1833, and the report of the majority of the committee says “that the memorialist was legally and constitutionally elected to the Senate in August 1833, has not been, as it could not be, successfully controverted.” The undersigned are bound to confess that the election of Mr Abercrombie, has not been successfully controverted; whether it could have been, however, is a question in relation to which they are not prepared to make the same full admission, as they were to a considerable extent, denied by the majority of the committee, the use of the only appropriate means by which its constitutionality and legality could have been tested—the privilege of sending for and examining witnesses concerning the manner in which the election had been conducted, and of ascertaining in this legitimate and correct mode whether the requirements of the constitution and the laws has been complied with. One of the undersigned, as the minutes of the committee show, offered the following resolution: “*Resolved*, That subpoenas issue for the Sheriffs of Macon and Tallapoosa counties, and for William Gregory former Sheriff of Montgomery county, to appear before this committee and give evidence touching and concerning the memorial of James Abercrombie, now before this committee.”—And at the time he offered it, stated that his object was, by an examination of the persons mentioned in the resolution to ascertain whether the election held in August 1833 for a Senator for the district of Montgomery, at which Mr Abercrombie was elected, had been legally conducted, more particularly in the county of Macon, which has erroneously been said to have formed a part of said Senatorial district at the time of said election. This resolution was promptly negatived by a majority of the committee, the undersigned only voting for it, and the proposition it contains, so reasonable and so necessary to a correct examination of the election, rejected. The resolution was offered under a well grounded belief that no election had been, nor could have been legally held in the county of Macon in August 1833, there being no persons in office there at that time, by whom inspectors could have been lawfully appointed or qualified. Notwithstanding the refusal of the majority of the committee to permit the undersigned to have an opportunity to examine such witnesses as were, from their official stations, most likely to be able to give full and satisfactory evidence in relation to said election; they are satisfied, that enough was shown by Joseph P. Clough, a witness introduced in favor of Mr Abercrombie, to prove to every unprejudiced mind, that no election was legally and constitutionally held in Macon county in August 1833, and that Mr Abercrombie is claiming to represent a people who never gave him one lawful vote; of the truth of this, from the evidence before the committee, the undersigned entertain no doubt. Of the legality of the election held in Montgomery and Lowndes counties, the undersigned could only judge from the presumptive evidence furnished by the certificate of election, and the qualification of Mr Abercrombie, no other being adduced before the committee. They are not disposed to question the legality of the election in these latter counties; but if they had been, the result would have been the same, as they were not permitted to have the sheriff of Montgomery county (who was the proper returning officer) sent for; by whose evidence any illegality in the manner of conducting the election might have been made to appear.

The Senate will now be able to determine with what propriety, the majority of the committee make the bold and confident assertion contained in their report, that the election of Mr Abercrombie could not be successfully controverted.

The undersigned will, in the next place, attempt to show, that the claim of Mr Abercrombie to represent the Macon Senatorial district, is as destitute of constitutional and legal grounds, as they trust they have shewn it to be of meritorious considera-



tions, to sustain it. It is true that Mr Abercrombie has, in his memorial, *cautiously* avoided asserting his right to represent this particular district; and the majority of the committee, with equal caution, avoid making such an assertion in their report.—But every person who has heard any portion of the investigation, in relation to Mr Abercrombie's claim to a seat in the Senate, must be perfectly satisfied, that this is the district he desires to represent, and to which his claim applies; and the Senate will not forget, that this is the district to which he answered at the commencement of the session, when the Senatorial districts were called over, that the Senator representing each district might answer when his district should be called. Besides, they have never heard that Mr Abercrombie asserted a right to any other district; and they have been assured, that he has repeatedly disclaimed any right to represent the Montgomery district, and persuaded another person to offer in that district before the last election.

By the second section of the apportionment act of 1828, "the county of Montgomery" was divided off and made to compose one Senatorial district. That county then contained the territory within its present limits, with the exception of a small portion of Indian territory which was added in 1832, and the major part of the county of Lowndes, which was established in 1829. By an act, entitled "an act to extend the jurisdiction of the State of Alabama over the Creek nation," approved January the 29th 1829, a portion of the territory belonging to said nation was attached to the county of Montgomery. The passage of this act and the annexation of territory made to it, presents, at once, the questions:—First, for what object or purpose it was passed; and, secondly, by its passage, was the senatorial district of Montgomery county, as laid off in 1828, changed?—the discussion of which will involve a consideration of the constitutional right of the General Assembly to change or alter a senatorial district, at other periods, than those of the regular apportionment of representatives.

In the interpretation of statutes, it is not usual to refer to the title, unless other and safer rules fail; yet when the titles of acts in relation to a particular subject, or class of objects, have been perfectly uniform, it may well be inferred, that when the Legislature uses a different title in reference to such subject or objects as would seem appropriately to come under the usual and customary designation, that their intention and purpose, in adopting the new title, were different from what it had generally been. To apply this to the question under consideration, it will be found, upon examination, that whenever a new county has, at any time, been established, the title of the act by which it was done, expressly declared that to be its object. For example, the act creating the county of Lowndes, is entitled "an act to establish the county of Lowndes;" the act creating Montgomery is entitled "an act to establish the county of Montgomery"—and so of all the other counties in the State. Again, those acts that have been passed to detach territory from one county and attach it to another, have had a uniform title, clearly pointing out the object of those acts—as "an act to add a part of the county of Monroe to the county of Butler," and the like. When therefore the Legislature declared the act in question to be, "an act to extend the jurisdiction of the State over the Creek Nation," they meant something else than they had done in the establishment of the new counties, or the adding of territory from one county to another. In these latter cases no clause or provision is necessary to extend the jurisdiction of the courts of the new counties over the territory out of which they are formed; or of the courts of the county to which territory is added, over the territory annexed. In either case, the jurisdiction of the courts, respectively, is *ipso facto* extended upon the passage of the act, for all purposes. Hence it is, that the undersigned have come to the conclusion, that when the Legislature passed the act extending "the jurisdiction over the Creek Nation," they designed to limit and confine its operation to the specific object which its title indicates—notwithstanding the first section provides for the addition of certain defined portions of Indian territory to the counties therein named. And that there was no intention of granting or giving to the persons residing in the territory, thus annexed, any political rights or privileges whatever. The very fact of its being exclusively inhabited by the Indians, who had never ceded or parted with their right of occupancy, and who are incapable of possessing or exercising any political rights or privileges, must, at once, exclude every idea of the sort.

Jurisdiction, in its ordinary acceptation, is either civil or criminal, and both may be constitutionally exercised over persons who do not possess any political rights or immunities. This is strictly true with regard to aliens, Indians, slaves, and to persons emigrating to this State from other States before they have resided here the requisite length of time to entitle them to the rights of citizens of this State.

But fortunately, the undersigned are not driven to the necessity of relying on the title of the act extending the jurisdiction of the State, for the purpose of ascertaining

and fixing its true exposition and meaning. By the second and third sections of the act, its object and intention is made perfectly palpable and certain, without borrowing any aid from its caption. By the first of these sections, the jurisdiction of the circuit courts of the counties, to which any portion of territory was attached, was extended over the same; and by the latter section, the jurisdiction of the orphans court, and of the courts of revenue and roads of said counties was extended, in the like manner, to take effect after the first day of March 1830. Now if it was the intention of the Legislature to add the Indian territory to the several counties to which it was annexed, in the same manner and with the same view, that territory is usually added from one county to another, why were either of the foregoing sections inserted in the act? Where was the necessity of them? And what purpose were they designed to accomplish? As legislators are supposed to do nothing in vain, and as it is the duty of those who are called upon to expound and enforce statutes, to give effect to every part, where it can be done, according to their spirit and intention. These questions admit of but one sensible or satisfactory answer—which is, that those sections were intended to define, limit and point out the true and only purpose for which said act was passed, to wit: To extend the civil and criminal jurisdiction of the State over the Indian territory, according to the provisions which they contain. Those, who attentively examine said sections will not fail to observe that neither of them extends the common law jurisdiction of the county courts of the counties, to which any of said territory was attached, over such territory. The jurisdiction of the circuit court, the orphans court, and the courts of revenue and roads are, alone extended—no mention is made of the county court proper. But if after a consideration of these views a doubt should remain about the construction of said act, as herein contended for, that doubt must be removed by an examination of the fifth and sixth sections. The fourth section provides for taking the census of the Indians; the fifth that the person employed to take the census, shall be paid out of the State treasury, subject nevertheless, to be reimbursed by such new counties as might thereafter be established out of the Creek Indian territory; and the sixth that the Indians should be exempted from taxation and militia duty. Now if the annexation of Indian territory had been intended to be permanent and “for all purposes,” as has been contended, why were such provisions as these inserted? With what propriety or justice could counties, thereafter to be formed, be called upon to pay back and reimburse money which had been paid by the State, for taking the census of the Indians occupying the territory out of which they were to be composed, while that territory belonged to other counties; if it belonged to them in the same manner and to the same extent as their other territories, why not compel the latter counties to bear the burthen instead of those to be formed? And why were the Indians exempted from the performance of those duties and the bearing of those burthens common to all the inhabitants of the State? What right have the Legislature to make this invidious distinction between Indians and other persons? The answer to these questions is plain and obvious, because the annexation of Indian territory made by said act, to the counties therein named, was temporary and for special purposes.

But if the State had possessed the power, and had, in the exercise of that power, extended its jurisdiction over the Creek Nation and annexed the territory thereof to the counties to which it lay contiguous, “for all purposes,” the undersigned apprehend that it would be equally in the power of the Legislature, when such territory should be ceded by the Indians and acquired by the State, to detach and disconnect it from the counties to which it had been added, for all purposes, in like manner. Let us examine this proposition. By the latter clause of the 17th section of the 6th article of the Constitution, it is expressly declared, that, “in all cases of ceded territory acquired by the State, the General Assembly may make such arrangements and designations of the boundaries of counties within such ceded territory as they may deem expedient: Provided, That no county thereafter to be formed shall be of less extent than nine hundred square miles.” This full, general and comprehensive power of making arrangements and designations of the boundaries of counties in ceded territory, according to what the Legislature might deem expedient, in the exercise of their discretion, is subject to no limitation, restriction or control, save that imposed by the proviso annexed to it. Its exercise does not require the agreement of two thirds of both branches of the General Assembly, as does the alteration of the boundaries of old counties, or the establishment of new, or of old counties. Nor is there one word said about the right of suffrage and representation, as there is in the constitution in relation to the forming new counties out of old ones—in which case, such new counties are to be considered as part of the county or counties from which they were taken until entitled by numbers to the right of separate representation. This latter provision, which is to be found in the 16th section of the same article of the Constitution,

applies only to such parts of the State as had been organized into counties, after a cession of territory, and not to ceded territory which had to be organised for the first time into counties. At the time of the passage of the act extending the jurisdiction of the State over the Creek Nation, the territory occupied by said nation had not been ceded to, or acquired by the State; consequently no disposition which was then made by that territory could abridge or control the constitutional power vested in the Legislature to make "such arrangements and designations of the boundaries of counties" within such territory, when ceded, as they might deem expedient. So far from any attempt being made to control or confirm this power, in relation to the Creek territory, it is, impliedly, reserved in the 5th section of the act extending the jurisdiction of the State over it.

The undersigned will now proceed to examine the question, whether the senatorial district of Montgomery county, as laid off in 1828, was changed by the act extending the jurisdiction of the State over the Creek nation, by which a portion of the territory of that nation, was added to the county of Montgomery. That it was not, would seem to follow as a necessary consequence, from what has already been shewn in relation to the special nature and object of that act. It will not be contended that the language of the act made any such change in that district, for it is totally silent on the subject; as it is, in regard to the extension of any political advantages to the people who might inhabit said territory. And when the particular and expressed purpose of its provisions is considered, and the aid of that rule of interpretation is invoked, by which it is declared that the inclusion of one thing is the exclusion of another, it would appear sufficient to settle the question conclusively in the negative, without resorting to any other considerations. If that act did have the effect of changing said district, it must have been by implication and inference only, which can never be safely resorted to, where an act is so unambiguous in its terms, and its intention so apparent as in this instance. But a reference to the constitution must settle the question. The tenth section of the third article declares that, "the General Assembly shall, at their first session after making every such appropriation—(that is, an enumeration of the inhabitants of this State for the purpose of apportioning the representatives)—fix by law the whole number of Senators, and shall *divide* the State into the same number of districts, as *nearly equal* in the number of white inhabitants, as may be, each of which districts, shall be entitled to one senator and no more." From this provision it at once appears clearly and positively, that the *time*, at which senatorial districts are to be divided off and established, is fixed by the constitution itself, and cannot, therefore, be changed by any act of legislation—it must be done at the first session of the General Assembly, after making, pursuant to the 9th section of the same article of the constitution, an enumeration of all the white inhabitants of the State, for the purpose of apportioning the representatives. Now if senatorial districts can be changed, by being enlarged or diminished, by an act of the legislature, passed between the regular, constitutional periods of apportionment, what becomes of that part of the constitution which fixes the *only time* at which senatorial districts can be divided off and established;—it must be blotted out or forgotten. Will it be said that changing a district is not laying or dividing it off? What constitutes the laying or dividing off a district, but declaring or defining its boundaries; and is not every change of those boundaries equivalent to laying and dividing it off anew? When changed does it any longer remain the same? Is not its identity destroyed? Suppose all the districts in the State were changed, and if one may be changed why not all, for they are placed on the same footing by the constitution; who could be found that would say it did not amount to a new dividing of the State into senatorial districts? The former division would be completely obliterated.

But what, perhaps, is more important, it still further appears by the same part of the constitution, that the senatorial districts are required to be laid off upon a *certain principle of equity*, which is, that they shall be "as nearly equal in the number of white inhabitants as may be." The framers of the constitution did not provide, nor intend to provide, against these inequalities of population which take place from natural causes or from emigration; it would have been folly to have attempted it. All they did was to provide for the equality of the senatorial districts, by requiring the number of inhabitants in each to be as nearly equal as might be, with reference to the territory of which the district should be composed, at the time of its formation and establishment. Now if a senatorial district could be changed at pleasure by the legislature, would not the value of this principle be at once destroyed; and would it afford the slightest security for the equality of representation it was designed to fix and establish. Is it possible that the convention could have been guilty of the levity or weakness of prescribing a rule, to secure the just and equal rights of the people,

which the legislature might disregard and set aside the very next day after acting upon it. It would be preposterous and unreasonable to believe so. Will it be answered that the equality, provided for by the constitution, is an equality of inhabitants, and not of territory? What reasonable security would there be for a continuance of the equality of inhabitants for a single day, but by limiting and confining the territory on which they might reside. Population and territory always go together; the former cannot exist without the latter; they are inseparably connected. For the purpose of more perfect and practical illustration, let us take the case before us. By the apportionment act of 1828, the county of Montgomery, as it then existed, was divided off and made to compose one senatorial district, as nearly equal, of course, in the number of white inhabitants, to the other senatorial districts in the State, as might be. At the next session of the legislature in 1829, (and it might just as well have been done at the same session,) the jurisdiction of the State was extended over the Creek nation, and a large portion of the Creek territory added to the county of Montgomery, and by the same power the whole Creek nation might have been added. The territory that was thus annexed was capable of containing a large and dense population. Now if by this addition of territory the senatorial district of Montgomery county, was changed and enlarged co-extensively therewith, would not the equality, established by the constitution, have been, in all probability completely destroyed; and would any pledge have remained for its existence and safety for a single day. And upon the well grounded supposition that the territory added might have become densely populated, could any thing have been more unjust to the inhabitants of the Montgomery district as originally established; whose relative weight, would have been decreased, in an exact ratio with the number of inhabitants that might have settled or resided in the added territory. The strange spectacle might thus have been presented, of one senatorial district, by an act of the legislature, passed after it was originally formed, and before the next apportionment, containing three times the number of inhabitants of any other district in the State. Those, who contend for the right of the legislature to change a senatorial district, cannot have sufficiently attended to the distinction between the political and civil divisions of the State. A senatorial district is a political division and can only be changed at the time appointed by the constitution for dividing the State off into senatorial districts. A county is a civil division and may be changed at any time, by a vote of two-thirds of both branches of the General Assembly; provided it is not made to contain less territory than the constitution permits. The political divisions of the State are not altered by a mere change of the civil divisions, but remain the same after as before such change; until the constitutional period arrives for changing the political divisions of the State. Hence it clearly results, that the senatorial district of Montgomery county, as established and divided off in 1828, was not changed by the act extending the jurisdiction of the State over the Creek nation.

In the further prosecution of their inquiries, the undersigned found that, in the month of March 1832, a treaty was concluded at Washington, City, between the Government of the United States and the Creek Nation, or tribe of Indians, by which the latter, ceded to the former, all their territory within the State of Alabama. At the next session of the General Assembly, as appears by an act entitled "an act to establish certain counties therein named; approved December 18, 1832." the whole of the territory, thus ceded, was, pursuant to the division made in the latter clause of the 17th section of the 6th article of the constitution, before recited, laid off and arranged into counties. A considerable portion of that part which had been added to the county of Montgomery in 1829, being formed into a county called the county of Macon. There is a consideration presented by this act which the undersigned cannot avoid adverting to, as it tends to fortify and confirm the views heretofore expressed. It is, that by the 8th section of the act, by which the county of Macon is established, and its limits and boundaries defined; the line between that county and the county of Montgomery is recognized as an actually existing line; not as one that had been discontinued or changed, or that had to be established for the first time; but as one that had continued to exist and was well known and defined. How could this have happened, if, at the time the Indian territory was added to Montgomery, it was added "*for all purposes.*" Had it been so, the original Montgomery line would have been entirely destroyed, and on the organization of Macon county, it would have been necessary to re-establish and define it. So far, however, from this being done, it is expressly referred to as a known existing line, and is called the "Montgomery line," twice by name and once by reference. If it had been destroyed, or discontinued, the reference to it would have been void, without a new designation; and the singular anomaly would have been presented of two contiguous counties being established without any dividing line between them. Return-

ning from this digression, the undersigned will next state that at the general election held on the first Monday in August, 1833, Mr Abercrombie was elected a senator for the district of "Montgomery county," under the apportionment act of 1828; and that at the next session of the General Assembly, as the Journal of the Senate shows, he appeared and produced his credentials as the senator elect for the counties of "Montgomery and Lowndes" and was qualified and took his seat accordingly. His certificate should have been for "the county of Montgomery" only, as that was the legal and proper name of the district, for which he was elected. The county of Macon was not mentioned in this certificate; nor did it contain any thing by which it could be known, that any votes were given for him in that county; but that is immaterial. At the time of Mr Abercrombie's election, he resided in the county of Montgomery; but in the month of December, thereafter, he removed to the county of Macon, where he now resides. During the last session of the General Assembly, a new apportionment act was passed, which was approved January 16th, 1834; the second section of which, divides the State into senatorial districts. By this act the county of Montgomery was continued a senatorial district, and a new district was formed, composed of the counties of Macon, Tallapoosa and Pike, which Mr Abercrombie, as it is well understood, claimed the right of representing, in virtue of his election for the district of "the county of Montgomery" in August 1833. From these facts, the question, can he constitutionally and legally do so, at once arises. That he cannot, the undersigned will attempt to demonstrate; and for this purpose they might, as they humbly conceive, rely with safety upon what they have already said; for if the senatorial district of the county of Montgomery, as divided off in 1828, was not changed by the act extending the jurisdiction of the State over the Creek nation, as they trust they have conclusively shewn it was not; Mr Abercrombie cannot have the shadow of a pretence for claiming to represent the Macon district. But clearly as this has been made to appear, they will not rely entirely, on what has been said, but will proceed to adduce other arguments, that must remove every remaining doubt that can possibly exist.

The undersigned assume it as a position, that cannot be denied, that a senator can represent no district, but the one for which he was elected, so long as that one, substantively and distinctly continues to exist. A contrary doctrine would destroy every idea of the true nature and value of representation that has ever been formed. To say that a representative, elected for one county, could under such election, in any event, become the representative of another county, would be a proposition too extravagant and absurd to be argued. Yet this would emphatically, in effect, be the case, if Mr Abercrombie were to represent the district of Macon, when he was elected for the district of Montgomery, and when the Macon district was not in existence at the time of his election; nor did he reside on any part of the territory out of which it was formed, nor, as has before been shewn, receive a legal vote within its limits. It has, with some apparent seriousness, been said, that a Senator could not be legislated out of office; that is, that no division of the State into senatorial districts could be made that would, of itself, deprive a senator of his seat, who had been constitutionally elected. No one has been found willing to make himself so ridiculous as to deny this position. But it would, in the opinion of the undersigned, be just as reasonable to contend, that a senator could be legislated out of office, as that he could be legislated out of one district into another, as those must virtually do, who contend that Mr Abercrombie has a right to represent the Macon district; for if it could be maintained that he had a right to do so, upon what ground would his claim rest; would it not be upon the apportionment act of 1834? But for that act, no such district as the Macon district would have an existence; and as Mr Abercrombie was elected prior to its passage, and to the formation of that district, there would seem to be no basis for his right to represent it, but the act itself. And if this were true, it would follow as a necessary consequence, that by the passage of that act, he was transferred from the district of Montgomery to the Macon district. Those, who deny this (and perhaps all would, when thus plainly and distinctly set forth) and still contend that Mr Abercrombie has a right to represent the Macon district, are driven to maintain a ground, if possible, still more unsound and untenable; which is, that the right of a senator to represent a particular district may depend upon his power of locomotion, or of changing his residence from one place to another. All will admit, as undeniably true, that if Mr Abercrombie had continued to reside in Montgomery county, where he did at the time of his election, that he would have been the senator for the Montgomery district. Now if he is not the senator for that district, but is the senator for the Macon district, without any new election, what will have caused it? Will it not have been his mere change of residence? Can a better reason be assigned; but for that change he would have no such



right. If he had not removed, he would have been the senator for *Montgomery*; he did remove, therefore he has ceased to be the senator for *Montgomery*, and has, without any other act on his part, become the senator for *Macon*, *Tallapoosa* and *Pike*. Such would, in short, be the extraordinary and illogical reasoning that would have to be resorted to, to sustain his right to represent the latter district. What would the right of suffrage and representation be worth if they depended on no better foundation than this? The "rotten borough system" of England; the hereditary right of an English nobility would afford guards equally safe and valuable for the preservation of the rights of the people, and equally as worthy of commendation. No man has a right to represent the people but by their free and expressed consent; no act of the legislature can create a representative for the people, nor can the right of any one to represent them depend upon his mere physical power of changing the place of his habitation. Satisfactory as these arguments must be to every candid and unbiased mind, there are others, not less deserving of consideration, some of which, the undersigned will briefly mention. The county of *Pike*, which is an old county, under the new apportionment act is included in the *Macon* senatorial district. That county, under the apportionment act of 1828, was included in the district composed of the counties of *Pike*, *Covington*, *Henry* and *Dale*, which was represented by General *Irwin*. Now suppose that General *Irwin* had resided in the county of *Pike*, at the time it was included in the *Macon* district, and Mr *Abercrombie* had removed into *Macon*, as he did; which, the undersigned would ask, would have been the senator for the *Macon* district? Can any one hesitate to say that, as between the two, the right of General *Irwin* would have been clearly superior to that of Mr *Abercrombie*. If upon any supposed state of facts, which might actually have happened, as in the case put, another person would have been the senator for the district, is it not conclusive to show that Mr *Abercrombie* cannot be. For a person to be entitled to represent a district in the Senate, he must have a right superior to what any other person could lawfully have.

Again, by the 13th section of the 3rd article of the constitution, the senators chosen according to the census ordered to be taken in 1826, are required to be divided by lot into three classes, "as nearly equal as may be;" in order that one third might go out, and one third be elected annually, and a perpetual succession kept up; and by the latter clause of the section, it is provided that such mode of classifying *new additional* senators, shall be observed as will, as nearly as possible, preserve an equality in each class. By the apportionment act passed subsequent to the taking of the census of 1826, the county of *Montgomery*, as before stated, was divided off and made to compose one senatorial district; and the senator, elected from that district, was classed and consequently the senator for that district can never be classed again; for if he were, the regular succession would be destroyed. The county of *Montgomery*, so long as it contains a senatorial district, is to be regarded in reference to districts subsequently created, as an original, or old district, and the senator representing it as an old senator, and not, in the language of the constitution, a "new additional senator." It has been said that the provision of the constitution in relation to the classification of senators, related only to the incumbents and not to the districts. If it could be shewn that the incumbent alone was interested, and that the people had nothing to do with it, the position might be maintained, but certainly not without. The undersigned apprehend that in every modification and regulation, in relation to representation, the people are principally concerned, and their agents or representatives, but secondarily. For whose benefit, they would ask, has the principle of representation been so strongly and distinctly asserted, and so carefully and cautiously guarded, but the people. Why is it so highly cherished and so sacredly held, but that their rights, privileges and liberties may be preserved and upheld? The doctrine, that the powers and disabilities of the representative are to be principally considered, and not those from whom they derive their very existence and being, savours much more strongly of monarchies and aristocracies, than republics! When the framers of the constitution declared that the senators should be classed, and that the seats of a certain portion, should be vacated annually, it was tantamount to saying that each portion of the State, represented by a senator, should alternately and in succession, have the right of infusing a fresh portion of the popular will into the Senate, and of contributing to its permanence and stability. If this were not so, why did the constitution provide only for the classification of the senators elected according to the apportionment under the census of 1826, and for the classification of 'new additional senators.' If the classification of senators applied to the incumbents, and not to the people by whom, nor the districts for which they might be elected, then the constitution, to have been consistent, should have provided for the classification of the senators, elected at each annual election; unless indeed



(which no one in his senses can suppose) it intended to make the senators elected to succeed those who were first classed; the mere inheritors of their seats, and not the immediate, direct and responsible representatives of those by whom they should be chosen.

The "new additional senators," mentioned in the constitution, are those who are elected for such new districts as are, or may be, formed at each period of apportioning the representatives, and of dividing the State off into senatorial districts, and not those elected to succeed other senators who had been classed. The best practical illustration of the truth and correctness of these remarks, is furnished by the very case we are now considering. The district of the county of Montgomery is an old district, coeval with the commencement of the State Government, and continued regularly down through each division of the State into senatorial districts, to the present time. The senator for that district, as before observed, was classed under the apportionment made according to the census of 1826. The senatorial district of Macon, Tallapoosa and Pike, is a new senatorial district, formed at the last division of the State into senatorial districts; it and others were formed in addition to those which previously existed. The senator for this district is, consequently and necessarily a "new additional senator." A senator elected for the first time, to succeed another, may be called a new senator; but he can never be called a 'new additional senator,' because by his election no addition is made to the number of senators before elected or authorised to be elected. We never therefore we ascertain which are the old districts, and which the new; we know what senators have been classed, and what senators are to be classed. We can well imagine the surprise and indignation the people of Montgomery would feel, if they were informed from a source entitled to credit, that the Senate of Alabama had declared that their district, one of the very oldest in the State, was a new district, which had no prior existence; and their senator, though the regular successor of the senator of that district, who had been classed, at the first classification of senators that ever took place under the constitution, was a 'new additional senator,' and had to be classed at the present session of the General Assembly. On the other hand, taking it for granted that Montgomery is an old district, whose senator, having once been, cannot be classed again. Suppose Mr Abercrombie, under the facts, entitled to represent the Macon district, he would of course have to be classed; the senator for that district never having been classed before—what would be the consequence? A senator can serve but three years. Mr Abercrombie has already served one; if he were now to draw three years, as he might, he would be entitled to serve four years under one election, and if he were to draw one year, his term would already be expired. It cannot certainly be necessary to argue the question further. "*He that runs may read.*" And every reflecting, dispassionate mind must be satisfied with the general conclusion which follows from all that has been said, that James Abercrombie is not entitled to a seat in the Senate, as the senator for the district composed of the counties of Macon, Tallapoosa and Pike. And here the undersigned might well pause but in order to prevent any inference from their silence, in relation to Mr Abercrombie's right still to represent the Montgomery district; they take occasion to say, that under all the facts and circumstances which exist and have come to their knowledge, they are satisfied that he has no right to represent that district. Mr Abercrombie has preferred no claim to that district, and his friends have shewn by their course in the Senate, in relation to the Macon district, that they were perfectly satisfied, that he had no right to represent the Montgomery district.

Having now fully and distinctly presented the grounds and views by which their opinions have been formed, and their course in relation to the claim of Mr Abercrombie the undersigned are willing to submit them to the judgment of a candid and enlightened public, without the slightest apprehension of the result.

JOHN ERWIN,  
SAMUEL WILKINSON.

*Ordered,* That said report be laid on the table, and 60 copies ordered to be printed for the use of the Senate.

A message from the House of Representatives, by Mr Frierson. Mr President:—The House of Representatives have passed a bill to repeal in part an act, now in force, confining the collection of debts before justices of the peace, in the beat where the contract was made, or the defendant or defendants reside.

On motion of Mr Bibb, *Resolved*, That with the concurrence of the House of Representatives, the two Houses will assemble in the Representa-

tive Hall, at half past two o'clock, this afternoon, to elect members of the medical boards at Montgomery and Demopolis.

Mr McVay moved to take from the table, the joint memorial from the House of Representatives to the Congress of the United States, asking for a further appropriation, to complete the Tennessee canal, which was carried. Mr Wilkinson moved that the further consideration of said memorial be indefinitely postponed, which was carried.—Yeas 13, nays 7.

Those who voted in the affirmative are Messrs Ashe Arnold Bibb Brodnax Erwin of G. Hamphill Johnson Larkins Phillips Scott Wallace Wolkhall and Wilkinson.

Those who voted in the negative are Messrs President Barclay Chapman McVay Moore Nabors and Vining.

A message from the House of Representatives, by Mr Tanstall. Mr President:—The House of Representatives have adopted a joint resolution, requesting the honorable John Robas to furnish the State Printer with a copy of his eulogy on the death of General Lafayette. In which they ask the concurrence of your honorable body. Said joint resolution was taken under consideration forthwith, read a first time, and the constitutional rule which requires bills and joint resolutions to be read on three several days, being suspended, was read a second and third times and passed.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill to amend the penal laws of this State, reported without amendment, and the bill was read a third time and passed.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill from the House of Representatives, to abolish the special court for the trial of slaves for capital offences, composed of the judge of the county court and two magistrates, and for other purposes, reported without amendment. *Ordered*, That said bill be laid on the table.

Mr Hogan, from the committee on the State Bank, to whom was referred the bill to require the commissioners of the sixteenth sections, hereafter to be sold, in the counties of Barbour, Russell, Chambers, Tallapoosa and Macon, to draw the notes payable at the branch of the Bank of the State of Alabama, at Montgomery, reported without amendment, and the bill was read a third time and passed.

A message from the House of Representatives, by Mr Oppelt. Mr President:—The House of Representatives have passed a joint resolution, to keep and preserve all the furniture of both Houses of the general assembly and for other purposes.

Said resolution was taken up by the Senate for consideration, read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days, being suspended, was read a second and third times forthwith, and passed.

Mr Erwin of G. from the committee on the judiciary, to whom was referred the bill from the House of Representatives, in relation to suits of ejectment, demurrers, and the probate of deeds and relinquishments of dower, reported without amendment. Mr Erwin of G. moved to amend the bill by adding thereto the words "and when the action of ejectment shall be lawful, it shall be the duty of the jury trying the same, to assess the damages in favor of the real plaintiff, as in actions of trespass to try titles," which was carried. Mr Erwin of G. moved further to amend the bill by striking out the third section; which was carried, and the bill as amended, was read a third time and passed. The title of the bill was amended, by striking out the words "of the probate of deeds and relinquishments of dower."

A message from the House of Representatives, by Mr Oppelt. Mr President:—The House of Representatives concur in the amendments of

the Senate, to the bill to abolish and establish election precincts therein named. They also concur in the amendments made by your honorable body, to the bill for the relief of Osborne J. Coker.

The bill in relation to suits against carriers by water, was taken from the table. Mr Hogan moved to amend the bill by adding these words: "Provided, also, that the owners of steam boats, may sue persons that owe them freight bills in the county where the contract is made for the transportation of said freight." Mr Erwin of G. moved to lay said amendment on the table, which was carried.—Yeas 17, nays 2.

Those who voted in the affirmative, are Messrs President Ashe Barclay Brodnax Brown Chapman Erwin of G. Hemphill Irwin of H. Keener Lane Larkins McVay Moore Phillips Scott and Walthall.

Those who voted in the negative, are Messrs Hogan and Wilkinson.

Mr Erwin of G. moved that the bill be read a third time forthwith; which was carried.—Yeas 19, nays 1.

Those who voted in the affirmative, are Messrs President Ashe Barclay Brodnax Brown Erwin of G. Hemphill Irwin of H. Keener Lane Larkins McVay Moore Nabors Phillips Scott Vining Walthall and Wilkinson.

Mr Hogan voted in the negative.

The bill was then read a third time and passed.—Yeas 20, nays 1.

Those who voted in the affirmative, are Messrs. President Ashe Arnold Barclay Brodnax Brown Erwin of G. Hemphill Irwin of H. Keener Lane Larkins McVay Moore Nabors Phillips Scott Vining Walthall and Wilkinson.

Mr Hogan voted in the negative.

A message from his excellency the Governoa, by Mr Webster. Mr President:—His excellency the Governor has requested me to inform your honorable body, that he has approved and signed the following bills, to wit: an act to change the name of Louisa Blankenship, and for other purposes; an act authorising the summoning additional jurors in the county of Wilcox, an act for the relief of Thomas Ellison; an act to repeal in part an act, entitled an act amendatory to the several acts concerning witnesses, approved January 3d, 1832; an act to amend an act, entitled an act to incorporate the Cahawba navigation company, approved January 10th, 1827; and an act supplementary thereto, approved January 29th, 1829; an act to amend an act, to incorporate a company to build a toll bridge across the Coosa river, at Wetumpka, approved January 17th, 1834; an act pointing out the mode of appointing inspectors of elections, and for other purposes; an act to revive an act, entitled an act to incorporate the town of Pikeville, in the county of Marion, approved January 12th, 1827; an act to repeal in part an act, to amend the several acts, relating to the sixteenth sections, approved, January 10th, 1833; joint resolutions upon the subject of the importance of graduating the price of public lands; an act to compensate Argyle Campbell, for prosecuting slaves in the county of Limestone.

A message from the House of Representatives by Mr Oppelt. Mr President:—The House of Representatives disagree to the several amendments made by the Senate to the bill to raise a revenue for the support of government, until otherwise altered by law.

Mr Walthall from the committee on county boundaries, to whom was referred a resolution, instructing them to enquire into the expediency of organising the territory included within that part of the Cherokee Nation, lying within the limits of this State, into counties, reported that it is inexpedient to legislate on the subject; which was concurred in.

Mr Hogan, from the special committee, to whom was referred the petition of E. De Vendel, asked leave to be discharged from the further consideration of the same, which was agreed to.

The bill from the House of Representatives, to raise a revenue for the support of government, until otherwise altered by law, was taken up. Mr

Erwin of G. moved that the Senate insist upon their first amendment to said bill which provides that taxes upon lands, shall be paid in the county where the land lies. The motion failed.—Yeas 9, nays 14.

Those who voted in the affirmative, are Messrs Erwin of G. Hemphill Irwin of H. Keener Lane Larkins Moore Nabors and Scott.

Those who voted in the negative, are Messrs President Ash Arnold Barclay Bibb Brodnax Brown Chapman Johnson McVay Phillips Vining Walthall and Wilkinson.

The Senate then, on motion, recessed from said amendment.

Mr Erwin of G. moved to insist on the third amendment of the Senate to said bill, which was to strike out the word "seven," and insert "five," where the bill provides that the tax on every hundred dollars worth of town property, there shall be paid a tax of seven cents. The motion to insist was carried.—Yeas 13, nays 11.

Those who voted in the affirmative, are Messrs President Barclay Bibb Erwin of G. Hemphill Hogan Irwin of H. Keener Lane Larkins Moore Nabors and Scott.

Those who voted in the negative, are Messrs Ashe Arnold Brodnax Brown Chapman Johnson McVay Phillips Vining Walthall and Wilkinson.

A motion was made to recede from the amendment, which provides that all the poll tax shall be paid into the county treasury, where it is collected: which was carried.—Yeas 14, nays 9.

Those who voted in the affirmative, are Messrs President Arnold Bibb Brodnax Brown Hogan Keener Larkins McVay Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs Ashe Barclay Chapman Erwin of G. Hemphill Irwin of H. Lane Moore and Nabors.

The Senate insist on their amendment, which proposes to strike out all of the bill that relates to billiard tables, and then the bill was returned to the House of Representatives for their further action.

Messrs Lane, Keener, Scott, Phillips, Hemphill, Morton, Walthall and Brodnax, availed themselves of their constitutional right to have spread upon the journal, the following protest:

The subscribers, members of the Senate, voting in the minority on the resolutions providing that James Larkins be qualified and take his seat as a Senator from the district composed of the counties of Pike, Macon and Tallapoosa, "and in the resolution, directing the President of the Senate to require James Abercrombie, to retire from within the bar of the Senate," avail themselves of their constitutional right to dissent, and do accordingly dissent from, and protest against said resolutions, for the reasons following, which they desire to be placed upon the journals of the Senate.

The subscribers dissent from the resolutions, admitting James Larkins to a seat in the Senate, because at the time of adopting said resolutions, there was no vacancy, the Senate containing its full constitutional number.—Thirty Senators, the number allowed by the last act of apportionment, had previously appeared, been qualified, and taken their seats, and were engaged in the actual exercise of all the rights, privileges and immunities appertaining to the Senatorial branch of the legislature. The right of these Senators to their respective seats, had been conferred by the Senate, under the power conferred by the 14th section of the 3d article of the constitution "to judge of the election, qualification and returns of its own members." The Senate, therefore, having its constitutional number of members, admitted and accredited as such, by the appropriate tribunal, at the proper time, and according to the principles and forms of the constitution, could not permit any other person to participate in the business of the Senate, in the character of Senator, without previously vacating the seat of some member. To sanction such admission, is to transcend the legitimate powers of the Senate, and to supersede by a resolution of one branch of the legislature, the act of apportionment, and the provisions of the constitution, in relation thereto, this sweeping authority, is not confined by our constitution, jealous of inordinate power, even to all the branches of the legislature, except at stated periods. It is in fact to organise one branch of the legislature in such manner as to render it incapable of legislative action, and to deprive it of constitutional existence. That such has been the result of the resolution of the Senate, is manifested by the inspection of your journals. Thirty one Senators have been accredited by the Senate, and have voted on matters of the highest legislative importance, against the exercise, by the Senate, of such a power, so prodigal in its favors, as to swell the number of the Senate, beyond constitutional limitations, the subscribers do solemnly protest.

The subscribers do also dissent from the resolution of the Senate, requiring James Abercrombie to retire without the bar of the Senate. From the journals of the Senate of the last session, it appears that James Abercrombie appeared, was qualified, and admitted to a seat in the Senate, and acted in the capacity of a member thereof, during the session. The certificate of his election as Senator, on the first Monday of August, 1833, filed in the office of the Secretary of State, shows that his Senatorial term, is yet unexpired. From his election, thus certified, and from his qualification and admission as a member of the last session, Mr Abercrombie acquired a vested right to a seat in the Senate, for the term of three years, from the first Monday in August, 1833. This position is conceived to be indisputable, Mr Abercrombie is, therefore, entitled to serve out his constitutional term, unless he has become disqualified, by the operation of some provision of the constitution. The fact of disqualification, however, must be established, by some mode warranted by the constitution. The only modes known to the constitution, is by the Senates declaring some disability or forfeiture, enumerated as such, in the constitution incurred, or by the exercise of the discretionary power of expulsion, confided to two thirds of the Senate.

The resolutions depriving Mr Abercrombie of his seat, it is believed is not sustained, by either of the modes mentioned. The security of all our political rights, the stability of our institutions, and the preservation of the different departments of our State government, mainly depend upon a careful observance of the salutary principle, that each public functionary shall remain in the undisturbed exercise of the trust committed to him, during the official term, unless evicted therefrom, for causes ascertained, by a tribunal having authority to judge and determine. When constitutional ability and qualification to exercise the functions of a Senator, have been once established, and the person has been invested with the right and privileges appertaining to such station, disabili-

ty and forfeiture, are not to be presumed against him, but must be distinctly charged, and satisfactorily proved, before he can be divested of his representative rights. In the case of Mr Abernethie, no disability or disqualification have been alleged. His present want of qualification, if any exist, has not been brought before the Senate for their action. So far from it, the resolution expressly concedes to Mr Abernethie the right, after having deprived him of his constitutional privileges, to prefer his claim before the Senate for their determination. Considered in this regard, the resolution of the Senate is entirely destitute of any constitutional warrant.

Nor can the resolution be sustained under the discretionary power of expulsion, extended to the Senate. For "two thirds" are required to expel a member; and two thirds of the members voting, did not concur in this resolution. This constitutional provision, as the subscribers to it, voted, was expressly inserted, to protect the representative right of each and every Senator, against a bare majority, who, from partiality, or under the influence of passion or prejudice, might be disposed to relieve themselves of an odious adversary. It was intended to guard against that abuse of power, to which all legislative bodies, from mistaken notions of patriotism or duty, are sometimes subject. From the joint regard the subscribers entertain to the respective principles which, in effect, expels a member, elected by the suffering and unrepresented district, and qualified and accepted by the Senate from the exercise of the most reposeful duty, by his constituents, in a manner entirely unwarranted by any principle or power, combined in our most cherished safeguard—our written constitution.

The subscribers forbear from attempting at present, the qualifications or disqualifications of Mr Abernethie to a seat in the Senate; because, the resolution adopted by the Senate, stands as a determination of the subject; and because most of the members, supporting the resolutions, gave it as their opinion, that the claims of Mr Abernethie were not to be nominal, and would not be passed by the resolution. They have chosen to consider the constitutional propriety of these resolutions, on the footing, the majority of the Senate were pleased to put them.

*John W. Lane, Thomas B. Scott, Lawson J. Keener, George Phillips, William Hemphill, Quin Morton, R. B. Walthall, Robert Rednax.*

A message from the House of Representatives by Mr Oppelt—Mr President: The House of Representatives concur in the amendments made by the Senate, to the bill the better to regulate the returns of the strength of the militia of the State of Alabama.

The bill from the House of Representatives, to repeal in part an act, now in force, confining the collection of debts before justices of the peace, in the beat where the contract was made, or defendant or defendants reside, was read a first time and the constitutional rule being suspended, was read a second time. Mr Scott moved to amend the bill by striking out the word 'Lowndes' wherever it occurs in the bill; which was carried, and the rule being further suspended, the bill as amended, was read a third time and passed.

The bill in relation to the issuing of executions and for other purposes; was read a third time and passed.

The bill to fix the salaries of the judges of the supreme and circuit courts, who may be hereafter elected, and for other purposes, was taken up, and on motion of Mr Keener, laid on the table.—Yeas 21, nays 2.

Those who voted in the affirmative, are Messrs President Ashe Arnold Barclay Elbb Frednax Brown Hemphill Irwin of B. Keener Lane Larkins McVay Moore Nabors Phillips Scott Vining Wallace Walthall and Wilkinson.

Those who voted in the affirmative, are Messrs Irwin of Gt. and Hogan.

Mr Moore, from the special committee to whom was referred, the bill from the House of Representatives, to amend an act, passed on December 28th, 1832, entitled an act to establish a State road from the town of Tuscaloosa to the Mississippi State line, in the direction of the town of Jackson in the State of Mississippi, reported without amendment, and the bill was read a third time and passed.

A message from the House of Representatives by Mr Oppelt—Mr President: The House of Representatives concur in the amendment made by the Senate, to a bill to be entitled an act to raise a revenue in certain counties therein named, and for other purposes; an act to incorporate the Greensborough hotel company; an act to require the commissioners of sixteen sections, hereafter to be sold in the counties of Barbour, Russell, Chambers, Tallapoosa and Macon, to draw the notes payable at the branch of the Bank of the State of Alabama at Montgomery. They concur in the amendments of the Senate, to the bill in relation to suits of ejectment.—They also concur in the resolution of the Senate, to go into the election of members of the medical boards at Montgomery and Demopolis, and have amended the same, by adding 'one Tennessee canal commissioner.'

*Ordered*, that the Senate concur in the amendment of the House of Re-

presentatives to the resolution, to go into the election of members of the medical boards at Montgomery and Demopolis.

Mr Moore, from the special committee to whom was referred the bill to authorise clerks to issue executions in certain cases, reported without amendment, and the bill was rejected.

The bill from the House of Representatives to amend the laws in relation to slander, was laid on the table until the first of June next.

A message from the House of Representatives by Mr Ford—Mr President: The House of Representatives have passed a bill making appropriations for the payment of certain claims against the State. In which they ask the concurrence of your honorable body.

The bill from the House of Representatives making appropriations for claims against the State, was read a first time, and the constitutional rule being suspended, was read a second time. Mr Wilkinson moved to amend the bill by inserting, 'to Benjamin C. Oppelt, for services as a clerk for the Senate in enrolling bills, three dollars;' which was carried. Mr Lane moved to amend the bill by adding thereto an additional section in these words 'Section — *Be it further enacted*, that the sum of eight hundred dollars be appropriated for purchasing a stationary for the use of the next General Assembly;' which was lost.—Yeas 11, nays 11.

Those who voted in the affirmative, are Messrs President Ashe Bibb Brodnax Hemphill Irwin of H. Keener Lane Perkins Phillips and Walthall.

Those who voted in the negative, are Messrs Barclay Brown Chapman Erwin of G. Johnson Larkins McVay Moore Nabors Scott and Vining.

The rule was then further suspended, and the bill read a third time and passed.

A message from the House of Representatives by Mr Ford. Mr President—The House of Representatives have passed a joint resolution, which originated in the Senate of the following title, viz: joint resolution explanatory of an act, approved November 17th, 1832, for the relief of Archibald P. Howe and William C. Wilson. They have also passed a bill making appropriations for the year 1835; and an act for the payment of the claims of Jonathan L. Owens.

Mr Erwin of G. introduced a joint resolution, authorising the purchase of maps, which was read a first time, and the constitutional rule requiring bills and joint resolutions to be read on three several days, being suspended, was read a second and third times forthwith, and passed.

The bill from the House of Representatives for the payment of the claims of Jonathan L. Owens, was read a first time, and the rule being suspended, was read a second and third times and passed.

The bill from the House of Representatives, making appropriations for the year 1835, was read a first time, and the rule being suspended, was read a second and third times and passed.

The committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit, an act to create a sinking fund for the ultimate redemption of the State bonds; an act to explain an act therein named; joint resolution to keep and preserve all the furniture of both Houses of the general assembly, and for other purposes; an act to revive and amend an act, entitled an act to incorporate the trustees of Oak Grove academy of Perry county, approved 12th January, 1828; an act to repeal an act for the improvement of a road therein named, approved January 13th, 1826, and for other purposes; an act to amend an act, passed January 12th, 1833, entitled an act concerning attachments; an act to amend the charter of the bank of Mobile, and to authorise the taking of the sum of seven hundred and forty thousand dollars by the State, of the stock of said bank; an act for the relief of the city troop of horse, commanded by captain William Crothers, of the city of Mobile; an act to incorporate the cane break legion



of cavalry at Macon, in the county of Marengo; an act to authorise Thomas A. Smith and his associates, to erect a wharf on the Black Warrior river, opposite the town of Tuscaloosa; an act to prohibit the circulation of certain bills and notes therein mentioned, and for other purposes; an act for the relief of the heirs and legal representatives of John Byler, deceased; a joint memorial to the Congress of the United States, on the subject of the two per cent fund, and for other purposes; an act for dividing the seventy-second regiment, in the county of Benton, and for other purposes; joint resolutions to our Senators and Representatives in Congress; joint resolution requiring the secretary of state to make out copies of certain acts, and forward to the several banks; an act to incorporate the town of Talladega; an act to divorce Sophronia Strange, from her husband John J. Strange; an act to repeal in part an act, approved January 17th, 1834, to amend the road laws; an act to amend the charter of the bank of the State of Alabama, and the several branch banks thereof; an act to authorise the building a court house in the county of Madison; an act to amend the law in relation to tavern licenses; an act to authorise the judge of the county court and commissioners of roads and revenue for the county of Bibb, to levy a separate tax for building a jail in said county; an act to divorce Patsey Sillman, from her husband Fielding Sillman; an act concerning the taxes on cattle; an act to repeal an act therein named; an act for the relief of James M. Lenoir, executor of George W. Pitts; an act for the benefit of the people of Carrollton, in the county of Pickens; an act for the relief of William Durlap; an act authorising James Hamilton and James H. Neal, to open and turnpike a road therein named; an act to change the time of holding the circuit courts of the second judicial circuit; an act to revive and amend an act, entitled an act to incorporate the trustees of the Greenville academy in Butler county, approved December 8th, 1826; an act to prevent the passing of droves of neat cattle through the counties of Benton, Jackson, Blount, St. Clair, Talladega and Randolph, between the first of May and October, of each and every year, except under certain restrictions; an act to incorporate the town of Gainesville, in Sumter county; an act to incorporate the town of Livingston, the county site of Sumter county; an act to divorce Charlotte Dillard, from her husband George Dillard; an act to divorce Caroline Barnes, from her husband John Barnes; an act to authorise lawyers, residing in the State of Mississippi, to practice law in this State; an act to divorce Barbara Lightfoot from her husband Bartholomew Lightfoot; an act to change and alter a part of the State road, within the county of Conecuh; an act for the relief of Gabriel Moore; an act to incorporate a company to build a toll bridge and causeway across the Sipsey river and swamp, on the direction to Columbus from Tuscaloosa; an act in relation to the duties of the judges of the county courts and for other purposes; an act to divide Sumter county into two regiments; an act to change the time of holding the county courts of Fayette county; an act to divide the 14th regiment of Alabama militia, in the county of Blount; an act to authorise the Governor to employ a private secretary; an act to authorise the registration of deeds which have not been registered within the time prescribed by law; an act for the payment of certain sums of money therein named; a joint resolution to the Congress of the United States; an act to incorporate the planters and merchants insurance company at Decatur; an act to incorporate the Florence and Waterloo rail road company; an act for the speedy trial of certain suits in the circuit courts of Dallas county; an act for the benefit of Champion Easter; an act to authorise Richard and Stephen Yarborough, to erect a saw and grist mill on the Suckanotchee river, in Sumter county; an act for the government of company boat elections, in

Pickens county; an act for the benefit of David Woodruff; an act for the relief of certain persons therein named; joint resolution of the general assembly of the State of Alabama against a re-charter of the Bank of the United States.

Mr Lane moved to take from the table the report of the directors of the branch bank at Mobile, which was carried. *Ordered*, That the further consideration of said report be suspended until 3 o'clock this evening.

A message from the House of Representatives, by Mr Frierson. Mr President—The House of Representatives recede from their disagreement to the third and fourth amendments made by the Senate, to the bill to raise a revenue for the support of government until otherwise altered by law; and insist upon their disagreement to the amendment by striking out every thing relating to billiard tables. Mr Moore moved that the Senate adhere to their amendment, by striking out so much as relates to billiard tables, which was lost, and then, on motion, the Senate receded from said amendment.

And then the Senate adjourned until half past 2 o'clock this evening.

*Evening Session, half past 2 o'clock.*—The Senate met pursuant to adjournment, and resumed the consideration of the report of the directors of the branch bank at Mobile. On motion of Mr Lane, *Ordered*, That said report be laid on the table, and 300 copies thereof printed for the use of the Senate.

Mr Phillips from the special committee to whom was referred, the bill from the House of Representatives to suspend the action of the commissioners of the town of Abbeville, in Henry county, reported the same without amendment, and the bill was laid on the table.

Mr Hogan presented the petition of the master builders and mechanics of the city of Mobile, praying that they may be represented in the board of bank directors in the Mobile branch bank, which was laid on the table.

Mr Vining, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit: an act organising the 76th regiment of the militia of the State of Alabama; an act to better regulate the returns of the strength of the militia of this State; an act to incorporate the town of Jamestown; an act in relation to writs of *ad quod damnum*; an act in relation to suits of ejectment and demurrer; an act for the relief of A. R. Coker, and others; an act to authorise the issuance of executions in certain cases, and for other purposes; an act to require commissioners of sixteenth sections, hereafter to be sold, in the counties of Barbour, Russell, Chambers, Tallapoosa and Macon, to draw the notes payable at the branch of the bank of the State of Alabama, at Montgomery; an act to authorise George P. Wright, a free man of color, to keep a grist mill on the west side of Tombeckbee river; an act to amend an act, entitled an act to amend the several acts in relation to the compensation of petit jurors, in the counties of Henry and Dale, approved January 13th, 1831; an act for the benefit of the citizens of township four, in range three, west, in the county of Limestone; and an act for the payment of the claims of Jonathan L. Owens; joint resolution explanatory of an act, approved November 17th 1832, for the relief of Archibald P. Howe and William C. Wilson.

Mr Hogan from the special committee to whom was referred, the joint resolutions from the House of Representatives, instructing our Senators in Congress to vote for expunging certain resolutions, in relation to the executive, from the journals of the United States Senate, reported a substitute therefor. Mr Lane moved to lay the report on the table, until the first of June, which motion was superseded, by a motion made by Mr Hogan to lay on the table generally, which was carried.

**A message from the House of Representatives by Mr Ford.** Mr President—The House of Representatives have adopted the following resolution: *Resolved*, That the Senate be now invited to assemble in the Hall of the House of Representatives, for the purpose of going into the election of members of the medical boards at Montgomery and Demopolis, and a Tennessee canal commissioner.

The Senate having repaired to the hall of the House of Representatives, the two Houses proceeded to the election of five members of the medical board at Demopolis. James Davenport, B. Gayle, E. Adams, John Dozier, John R. Larkins, Wm. C. Gillespie and Henry F. Arrington being in nomination.

Those who voted for Mr Davenport are, messrs President Ashe Barclay Bibb Boyd Chapman Erwin of G. Hogan Johnson Keener Larkins McVay Moore Morton Perkins Phillips Scott Vining Wallace and Walthall of the Senate. messrs Barron Bowin Burt Cantley Carmack Coffey Cottrell Curtis Farrar Fleming Frierson Gayle Glascock Henderson Jackson King Lane Loyd Massey McAlpin McCarty McCord McLemore Miree Mundy Murphy Owen Phelan Pratt Rains Rather Roberts Robertson Rodgers Sallee Sanders Seabury Shields Shortridge Sims Snodgrass Sterrett Taylor Thompson Walker Wallis Womack Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Gayle are President Erwin of G. Hogan Johnson Keener Larkins Moore Morton Nabors Perkins Scott Vining and Wallace of the Senate.—messrs Burt Cantley Carmack Clough Coffey Davis Dent Farrar Frierson Greer Horton Jackson Jones of T. Lane Lea Loyd Massey McAlpin McCord McLemore Mundy Murphy Patton Pratt Rains Rather Roberts Sallee Seabury Shields Shortridge Sims Snodgrass Sterrett Taylor Thompson Walker Womack and Young of L. of the House.

Those who voted for Mr Adams are, messrs President Barclay Bibb Boyd Chapman Hogan McVay Morton Nabors Perkins Phillips Vining Wallace and Walthall of the Senate. messrs Bowin Cantley Carmack Coffey Cottrell Curtis Dent Gayle Glascock Henderson Horton Jones of T. King Lane Lea Loyd Massey McCarty McCord Miree Mundy Owen Phelan Rains Rather Roberts Rodgers Seabury Shields Shortridge Snodgrass Sterrett Taylor Thompson Walker Womack Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Dozier are, Messrs Ashe Bibb Boyd Chapman Erwin of G. Johnson Keener Larkins McVay Moore Morton Nabors Phillips Scott Vining and Walthall of the Senate. messrs Barron Bowin Burt Caamak Clough Coffey Cottrell Curtis Davis Dent Fleming Frierson Gayle Glascock Greer Henderson Horton Jackson Jones of T. King Lea McAlpin McCarty McCord McLemore Miree Mundy Owen Phelan Pratt Rather Roberts Robertson Rodgers Sallee Sanders Seabury Shields Sims Snodgrass Sterrett Thompson Walker Wallis and Wynn of the House.

Those who voted for Mr Larkins are Ashe Barclay Bibb Chapman Hogan Johnson Keener Larkins McVay Moore Morton Nabors Perkins Scott and Walthall of the Senate. Messrs Barron Bowin Burt Carmack Clough Coffey Cottrell Curtis Davis Farrar Fleming Gayle Glascock Greer Henderson Jackson King Lane Loyd McCarty McLemore Miree Mundy Murphy Owen Patton Phelan Pratt Rather Roberts Robertson Rodgers Sallee Sanders Taylor Thompson Wallis Wynn Young of J. and Young of L. of the House.

Those who voted for Mr Gillespie are, Messrs President Ashe Barclay Bibb Boyd Erwin of G. Hogan Johnson Keener Larkins McVay Moore Nabors Phillips Scott Vining Wallace and Walthall of the Senate. messrs Barron Bowin Burt Cottrell Curtis Davis Dent Farrar Fleming Frierson Gayle Henderson Horton Jackson Jones of T. King Lane Lea Loyd Massey McAlpin McCord McLemore Murphy Rains Robertson Sallee Sanders Seabury Shields Shortridge Sims Sterrett Wallis Womack Wynn and Young of L. of the House.

Those who voted for Mr Arrington are, Messrs President Ashe Barclay Boyd Chapman Erwin of G. Perkins Phillips and Wallace of the Senate. Messrs Barron Cantley Davis Dent Farrar Fleming Frierson Glascock Horton Jones of T. Lea Massey McAlpin McCarty Miree Murphy Owen Phelan Pratt Rains Robertson Rodgers Sanders Shortridge Sims Snodgrass Sterrett Taylor Walker Wallis Womack and Young of J. of the House.

Messrs Davenport, Gayle, Dozier, Larkins and Gillespie having receiv-

ed the highest number of votes given, Mr Speaker declared them duly elected members of the medical board at Demopolis.

The two Houses then proceeded to the election of five members of the medical board at Montgomery. Silas Ames, Charles S. Lucas, Thomas J. Vickers, J. J. Bythwood and John D. Read being in nomination.

Those who voted for Mr Ames are, Messrs President Ashe Arnold Bibb Boyd Chapman Hogan Keener Lane Larkin M'Vay Moore Morton Nabors Phillips Scott Vining and Walthall of the Senate. Messrs Speaker Barron Burt Cantley Clough Coffey Cottrell Curtis Davis Dent Farrar Frierson Gayle Glascock Greer Henderson Horton Jackson King Lane Lea Loyd May M'Alpin M'Henry M'Lemore Miree Mundy Owen Phelan Rains Rather Roberts Robertson Sallee Sanders Seabury Shields Shortridge Sims Snodgrass Sterrett Stone Taylor Thompson and Young of J. of the House.

Those who voted for Mr Lucas, are messrs President Ashe Arnold Bibb Boyd Chapman Hogan Keener Lane Larkins M'Vay Moore Morton Nakors Phillips Scott Vining and Walthall of the Senate. Messrs Speaker Barron Burt Cantley Clough Coffey Cottrell Curtis Davis Dent Farrar Frierson Gayle Glascock Greer Henderson Horton Jackson King Lane Lea Loyd May M'Alpin M'Henry M'Lemore Miree Mundy Owen Phelan Rains Rather Roberts Robertson Sallee Sanders Seabury Shields Shortridge Sims Snodgrass Sterrett Stone Taylor Thompson and Young of J. of the House.

Those who voted for Mr Vickers are Messrs President Ashe Arnold Bibb Boyd Chapman Hogan Keener Lane Larkins M'Vay Moore Morton Nabors Phillips Scott Vining and Walthall of the Senate. Messrs Speaker Barron Burt Cantley Clough Coffey Cottrell Curtis Davis Dent Farrar Frierson Gayle Glascock Greer Henderson Horton Jackson King Lane Lea Loyd May M'Alpin M'Henry M'Lemore Miree Mundy Owen Phelan Rains Rather Roberts Robertson Sallee Sanders Seabury Shields Shortridge Sims Snodgrass Sterrett Stone Taylor Thompson and Young of J. of the House.

Those who voted for Mr Bythwood are Messrs President Ashe Arnold Bibb Boyd Chapman Hogan Keener Lane Larkins M'Vay Moore Morton Nabors Phillips Scott Vining and Walthall of the Senate. Messrs Speaker Barron Burt Cantley Clough Coffey Cottrell Curtis Davis Dent Farrar Frierson Gayle Glascock Greer Henderson Horton Jackson King Lane Lea Loyd May M'Alpin M'Henry M'Lemore Miree Mundy Owen Phelan Rains Rather Roberts Robertson Sallee Sanders Seabury Shields Shortridge Sims Snodgrass Sterrett Stone Taylor Thompson and Young of J. of the House.

Those who voted for Mr Read are, Messrs President Ashe Arnold Bibb Boyd Chapman Hogan Keener Lane Larkins M'Vay Moore Morton Nabors Phillips Scott Vining and Walthall of the Senate. Messrs Speaker Barron Burt Cantley Clough Coffey Cottrell Curtis Davis Dent Farrar Frierson Gayle Glascock Greer Henderson Horton Jackson King Lane Lea Loyd May M'Alpin M'Henry M'Lemore Miree Mundy Owen Phelan Rains Rather Roberts Robertson Sallee Sanders Seabury Shields Shortridge Sims Snodgrass Sterrett Stone Taylor Thompson and Young of J. of the House.

Messrs Ames, Lucas, Vickers, Bythwood and Read having received the highest number of votes given, Mr Speaker declared them duly elected members of the medical board at Montgomery.

The two Houses then proceeded to the election of one Tennessee canal commissioner. James Irvine and John M. Jackson being in nomination.

Those who voted for Mr Irvine are, Messrs President Barclay Boyd Chapman Erwin of G. Hogan Johnson M'Vay Moore Morton Perkins Scott and Vining of the Senate. Messrs Armbrister Barron Carmack Coffey Cottrell Gayle Glascock Greer Houston Jackson Jones of J. Jones of T. King Lane Massey M'Carty Mundy Patton Phelan Pratt Rather Roberts Robertson Sanders Seabury Snodgrass Sterrett Walker Womack Young of J. and Young of L. of the House.

Those who voted for Mr Jackson are Messrs Brown Keener Nabors Wallace and Walthall of the Senate. Messrs Speaker Bowin Burt Cantley Clough Dent Frierson Horton Lea May M'Alpin M'Cord M'Henry M'Lemore Owen Rodgers Thompson and Wallis of the House.

Mr Irvine having received a majority of votes, Mr Speaker declared him duly elected a Tennessee canal commissioner. The Senate then withdrew.

The election being over, the Senate withdrew to their own chamber and Mr President resumed the chair.

Mr Vining from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit: an act to abolish and establish

election precincts as therein named; an act to incorporate the Greensborough hotel company; an act to authorise the Governor to employ an engineer for certain purposes therein specified; an act authorising the election of an assessor of taxes for Dallas county, and for other purposes therein mentioned; an act making appropriations for the year 1835; an act to raise a revenue therein named, and for other purposes; an act to amend an act passed December 28th, 1833, entitled an act to establish a State road from the town of Tuscaloosa to the Mississippi State line, in the direction of the town of Jackson, in the State of Mississippi.

And then the Senate adjourned until half past 6 o'clock, this evening.

*Night Session, half past 6 o'clock.*—The Senate met pursuant to adjournment.

A message from the House of Representatives by Mr Ford. Mr President:—The House of Representatives have passed a memorial to the Congress of the United States, herewith shown, in which they ask the concurrence of your honorable body. They have also passed a bill of the following title, to wit: an act to amend the act incorporating the Athens rail road company, approved January, 1834, and have amended the same as therein shewn. They have also passed a bill from the Senate, more effectually to provide for the election of justices of the peace and constables, and have amended the same as therein shewn; in which they ask the concurrence of the Senate. They have also passed a bill to abolish imprisonment for debt; in which they ask the concurrence of the Senate.

The memorial from the House of Representatives to the Congress of the United States, asking the privilege of entry, agreeable to the provisions of the pre-emption act of 1833, was read a first time, and the constitutional rule being suspended, was read a second and third times forthwith and passed.

The amendment of the House of Representatives to the bill to amend the act incorporating the Athens rail road company, approved January, 1834, was concurred in.

Mr Wilkinson offered the following resolution: *Resolved*, That with the concurrence of the House of Representatives, the Senate will recede the order of adjournment *sine die*, until Monday the 12th instant. Mr Walthall moved to lay the resolution on the table, until Monday week; which was carried.—Yeas 12, nays 11.

Those who voted in the affirmative, are Messrs Ashe Bibb Boyd Brown Hemphill Keener Larkins McVay Nabors Phillips Scott and Walthall.

Those who voted in the negative, are Messrs President Chapman Erwin of G. Hogan Lane Moore Morton Perkins Vining Wallace and Wilkinson.

A message from the House of Representatives by Mr Oppelt. Mr President—The House of Representatives have passed the joint resolution from the Senate, authorising the purchase of maps.

A message from the House of Representatives by Mr Frierson. Mr President—The House of Representatives have passed a bill from the Senate, more effectually to provide for the election of justices of the peace, and have amended the same by adding the following words after the fourth line in the third section, where the word law occurs: "and also the counties of Coosa, Bibb, Fayette, and St. Clair, be and they are hereby exempted from the operation of this law." They have also passed a bill from the Senate to authorise John S. Brooks and his associates, to turnpike a road therein named, and have amended the same by adding a proviso to the end of the bill, in which they ask the concurrence of the Senate.

A message from the House of Representatives by Mr Oppelt. Mr President—The House of Representatives have passed the bill from the Senate, in relation to suits against carriers by water.

The bill from the *House of Representatives* to abolish imprisonment for debt, was read a first time. Mr. Moore moved that the constitutional rule be suspended, and the bill read a second and third times forthwith; which was lost, there not being a constitutional majority in the affirmative.—Yeas 15, nays 7.

Those who voted in the affirmative, are Messrs President Barclay Bibb Erwin of G. Hogan Johnson Lane Larkins Moore Morton Nabors Perkins Vining Wallace and Wilkinson.

Those who voted in the negative, are Messrs Ashe Boyd Brown Hemphill McVay Phillips and Walthall.

Mr Lane moved that the bill be ordered to a second reading on Monday next, which was carried.—Yeas 16, nays 7.

Those who voted in the affirmative, are Messrs Bibb Chapman Erwin of G. Hemphill Hogan Johnson Lane Moore Morton Nabors Perkins Phillips Vining Wallace Walthall and Wilkinson.

Those who voted in the negative, are Messrs President Ashe Arnold Boyd Brown Larkins McVay and Scott.

A Message from the *House of Representatives*, by Mr Frierson. Mr President—The *House of Representatives* have passed the bill from the Senate, for the benefit of Christina Colina.

The Senate concur in the amendments of the *House of Representatives* to the bill to authorise John S. Brooks and his associates, to turnpike a road therein named.

Mr McVay offered the following resolution: *Resolved*, That a committee of two Senators be appointed, to act jointly with such committee as may be appointed on the part of the *House of Representatives* to wait on his excellency the Governor, and inform him that the two Houses have gone through the business before them, and will be ready to adjourn *sine die*, this evening, if he has no other communication to make; which was adopted, and Messrs McVay and Phillips appointed said committee.

Mr Moore moved to take from the table the joint resolution from the *House of Representatives* relative to expunging certain resolutions from the journals of the United States Senate, which was carried.—Yeas 17, nays 8.

Those who voted in the affirmative, are Messrs President Ashe Barclay Boyd Brown Chapman Erwin of G. Hogan Johnson Larkins McVay Moore Morton Nabors Perkins Vining and Wilkinson.

Those who voted in the negative, are Messrs Bibb Hemphill, Keener Lane Phillips Scott Wallace and Walthall.

Mr Wallace moved to amend by striking out all after that part of the resolution which recites the resolution of the Senate of the United States, and insert the following: "And, whereas, the Senate did also refuse to spread upon the journals of that body, the President's Protest, assigning his reasons for objecting to the said resolution, therefore

*Resolved*, That our senators in Congress be instructed to use their exertions to have the President's Protest entered upon the journals of the Senate, that the present as well as future generations, when they read the said resolution of censure, may also find upon the journals of the Senate, the reasons assigned by the executive, for the course he pursued towards the Bank of the United States;" which was lost.—Yeas 8, nays 14.

Those who voted in the affirmative, are Messrs Bibb Hemphill Keener Lane Phillips Scott Wallace and Walthall.

Those who voted in the negative, are Messrs President Ashe Barclay Boyd Chapman Erwin of G. Hogan Johnson Larkins McVay Moore Nabors Vining and Wilkinson.

Mr Lane moved to lay the resolution on the table until the first of June next, which was lost.—Yeas 9, nays 12.

Those who voted in the affirmative, are Messrs Bibb Hemphill Keener Lane Perkins Phillips Scott Wallace and Walthall.

Those who voted in the negative, are Messrs President Ashe Boyd Chapman Erwin of G. Hogan Larkins McVay Moore Nabors Vining and Wilkinson.



Mr Hogan moved that the resolutions be now read a third time. Mr Walthall moved a call of the House, which being sustained, the resolutions were laid on the table for one hour.

Upon a call being made it appeared that Messrs Arnold Borough Brodnax Brown Burke Irwin of H. McVay Morton and Phillips, were absent.

A message from the House of Representatives, by Mr Ford. Mr President:—The House of Representatives have adopted the following resolution: *Resolved*, That a committee be appointed on the part of the House of Representatives to act with such committee as may be appointed on the part of the Senate, to wait upon his excellency the Governor, and inform him that the two Houses of the general assembly will be ready to adjourn *sine die*, at half past 11 o'clock this evening, if he has no further communication to make to them, and have appointed on their part, Messrs Carmack, Rather and Burt.

A message from the House of Representatives by Mr Frierson. Mr President:—The House of Representative have passed a bill to repeal in part a certain act therein named, in which they ask the concurrence of the Senate.

The bill from the House of Representatives to repeal in part, a certain act therein named, was read a first time, and the constitutional rule being suspended, it was read a second and third times and passed.

Mr Moore in the chair. Mr Erwin of G. offered the following resolution: *Resolved*, That the thanks and approbation of the Senate are justly due, and the same are hereby tendered, to the honorable Francis S. Lyon, for the faithful, impartial and dignified manner, in which he has discharged the duties of the chair, during the present session of the general assembly; which was unanimously adopted.

Mr McVay made the the following report:—The committee appointed on the part of the Senate, to act jointly with a committee on the part of the House of Representatives to wait on his excellency the Governor, and inform him that the two Houses have gone through the business before them, and are now ready to adjourn *sine die*, if his Excellency have no further communication to make to them, have performed that duty, and received for answer, that he has no further communication to make.

The committee on enrolled bills, reported as correctly enrolled, bills of the following titles, to wit: an act to raise a revenue for the support of government, until otherwise altered by law; joint memorial to the Congress of the United States, asking the privilege of entry, agreeable to the provisions of the pre-emption act of 1833; an act making appropriations for certain claims against the State; an act in relation to suits against carriers by water; joint resolution authorising the purchase of maps; an act to amend the act incorporating the Athens railroad company, approved January 14th, 1834; an act for the relief of Christina Colina; an act to authorise John S. Brooks and his associates, to turnpike a road therein named; an act more effectually to provide for the election of justices of the peace and constables.

The hour having expired for which the joint resolutions from the House of Representatives, instructing our Senators in Congress, upon certain resolutions of the last session of Congress, with regard to the executive, were laid on the table in consequence of a call of the House. They were taken up for further consideration. Mr Keener moved to amend the resolutions by adding the following: "*Be it further resolved*, That our Senators in Congress be instructed, in all cases, where they have the least doubt what

course to pursue upon any important measure, to confer with General Jackson, for his views, to which they will strictly conform. In all cases, Mr Hogan moved the previous question, which was carried, and the main question being put, shall the resolutions be read a third time, it was carried, and the resolutions after having been read a third time, were passed. — Yeas 12, nays 5.

Those who voted in the affirmative, are Messrs. President Aslie, Barclay, Boyd, Erwin of G. Johnson, Lupton, McVay, Moore, Nabors, Vining and Wilkinson.

Those who voted in the negative, are Messrs. Bibb, Hemphill, Lane, Phillips and Walthall.

On motion of Mr. Erwin of G. the several committees were discharged from the further consideration of all business committed to them.

A message from his excellency the Governor, by Mr Webster. Mr President—I am requested by his excellency the Governor, to inform your honorable body, that he has approved and signed bills of the following titles, to wit: an act in relation to suits against carriers by water; an act to revive and amend an act, entitled an act to incorporate the trustees of Oak Grove academy in Perry county, approved 12th January, 1828; an act to repeal an act for the improvement of a road therein named, approved 13th January, 1826, and for other purposes; an act for the relief of the heirs and legal representatives of John Byler, deceased; an act to divide the fourteenth regiment of Alabama militia, in the county of Blount; an act for the relief of Christina Colina; an act to authorise the issuance of executions in certain cases, and for other purposes; an act to amend the charter of the bank of the State of Alabama, and the several branch banks thereof; an act more effectually to provide for the election of justices of the peace and constables; an act to authorise the Governor to employ a private secretary; an act to create a sinking fund for the ultimate redemption of the State bonds; an act in relation to the duties of the judges of the county courts and for other purposes; an act to authorise the registering of deeds which have not been registered within the time prescribed by law; an act to authorize the building a court house in the county of Madison; an act to amend an act, passed January 12th, 1833, entitled an act concerning attachments; an act to amend an act incorporating the Athens rail road company, approved January 14th, 1834; an act to incorporate the Greensborough hotel company; an act to require the commissioners of sixteenth sections, hereafter to be sold in the counties of Barbour, Russell, Chambers, Tallapoosa and Macon, to draw the notes payable at the branch bank of the State of Alabama, at Montgomery; joint resolutions authorising the purchase of maps; an act to change the time of holding the county court for Fayette county; an act to abolish and establish election precincts therein named; joint memorial to the Congress of the United States, on the subject of the two per cent fund, and for other purposes; joint memorial of the Senate and House of Representatives of the State of Alabama in general assembly convened, to the Congress of the United States; joint resolutions explanatory of an act, approved 17th November, 1832, for the relief of Archibald P. Howe and William C. Wilson; an act to prohibit the circulation of certain bills and notes therein mentioned; and for other purposes; an act to change the time of holding the circuit courts of the second judicial circuit; an act to amend the charter of the bank of Mobile, and to authorise the taking the sum of seven hundred and forty thousand dollars, by the State, of the stock of said bank.

Mr Phillips offered the following resolution: *Resolved*, That the secretary inform the House of Representatives, that the Senate have finished all their business, and are now ready to adjourn sine die, which was adopted.

Mr President then rose, and addressed the Senate in an impressive and feeling manner, as follows:

*Gentlemen of the Senate:*—I should do violence to my own feelings, if I were to omit to make to you, a respectful tender of my acknowledgements and gratitude, for the complimentary notice you have taken of my official conduct. The approbation of the Senate, affords me a most ample recompense for any labor or exertion it may have cost me, in fulfilling the duties of the chair. When I assumed the station, which your partiality assigned me, I was fully sensible, that my want of experience, in the duties of a presiding officer, would lead me into occasional error. I know I have sometimes erred, but you have liberally assigned my errors to their proper cause. You have done me but justice, gentlemen, in bearing testimony to my impartiality. It has been my constant purpose in my act, as President of this body, to do justice to all. And I have witnessed, with no ordinary feelings of gratification, the unusual degree of harmony and good feeling which has attended the deliberations of this body, during the present session. I trust, that such feeling may continue to actuate the representatives of the people; and that the time may arrive, when political differences will not be permitted to disturb the relations of private friendship. I entertain towards every member of this body, the most perfect good feeling, and shall hold in lasting remembrance, the many acts of kindness, liberality and indulgence I have received from the Senate.

On motion of Mr Erwin of G. *Resolved*, That a copy of the President's address to the Senate be requested, and spread upon the journals; which was unanimously adopted.

And then the Senate adjourned *sine die*.

FRANCIS S. LYON,  
*President of the Senate.*

Attest:  
DAVID S. MORTON,  
*Secretary of the Senate.*